TABLE OF CONTENTS

	Page
Relevant Docket Entries in District Court	1
Plaintiffs' Complaint	3
Answer of Intervenor-Defendant J. Brian Gaffney	16
Deposition of Judge George A. Saden	20
Deposition of James F. Collins	79
Fact Stipulation in District Court	131
State Aid Grants (Pl. Ex. 2)	135
Apportionment Board Map for House (Assembly Districts) (Pl. Ex. 3)	138
Apportionment Board Map for Senate (Pl. Ex. 4)	139
Legislative Commission Map for Senate (Df. Ex. A)	140
Census Certification of Population of Senate and Assembly Districts in Apportionment Board Official Plan (Record on Appeal, Vol. III, Appendix to District Court Opinion)	141
Killingly Area, Board House Plan and Alternate Plan (Pl. Ex. 5, 5A)	146
Watertown Area, Board House Plan and Alternate Plan (Pl. Ex. 6, 6A)	147
Montville Area, Board House Plan and Alternate Plan (Pl. Ex. 7, 7A)	148
Senate Districts 29 and 35, Board Plan and Alternate Plan (Pl. Ex. 15, 15A)	149
Senate Districts 18 and 19, Board Plan and Alternate Plan (Pl. Ex. 16, 16A)	150
Senate Districts 9 and 31, Board Plan and Alternate Plan (Pl. Ex. 17, 17A)	151
Outlines of Selected House and Senate Districts (Pl. Ex. 19)	152

Page

Plaintiffs' House Plan, Maximum Deviation, Minus 4.08% (Pl. Ex. 20) 178

Plaintiffs' House Plan, Maximum Deviation, Minus 5.97% (Pl. Ex. 21) 179

Plaintiffs' House Plan, Maximum Deviation, Plus 7.43% (Pl. Ex. 22) 180

Plaintiffs' House Plan, Maximum Deviation, Plus 1.60% (Pl. Ex. 23) 181

Excerpt from District Court Trial Transcript 183

Witnesses: Transcript Page

Leo Parskey

Direct by Mr. Satter 184
Cross by Mr. Beizer 187
Cross by Mr. McCarthy 188

Leo Donohue

Direct by Mr. Satter 194

Richard W. Lafferty

Direct by Mr. Satter 197

Thomas Vocelli

Direct by Mr. Satter 201
Cross by Mr. McCarthy 234

George Heilpern

Direct by Mr. Satter 255
Cross by Mr. McCarthy 257

Jean Osborne

Direct by Mr. Satter 257

George A. Saden

Direct by Mr. McCarthy 262

Page

District Court Opinion and Judgment, Notation Where Found in Jurisdictional Statement 267

Notice of Appeal to the Supreme Court of the United States, Notation Where Found in Jurisdictional Statement 268

Appellant's Motion for Expedited Consideration Denied by the Supreme Court of the United States . 268

Appellant's Application for Stay Granted by the Supreme Court of the United States 268

Order of the Supreme Court of the United States Noting Probable Jurisdiction 269

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

Civil Action No. 14,736

THEODORE R. CUMMINGS, CURT F. BECK, OWEN L. CLARK, GERALD F. HEFFERNAN, JOHN P. DUFFEY, HAROLD C. NUCCIO, RUSSELL E. VINING, ANNE DILLON DALTON and OMAR ALLVORD on behalf of themselves and all others similarly situated,

Plaintiffs,

and

NANCY ARONIE, ROBERT D. ALEXANDER, LINDA B. BEIZER, SANTE ESPOSITO, JR., and CHARLOTTE KITOWSKI on behalf of themselves and all others similarly situated, *Intervenors,*

v.

THOMAS H. MESKILL, Governor of the State of Connecticut; GLORIA SCHAFFER, Secretary of the State of Connecticut; ROBERT I. BERDON, Treasurer of the State of Connecticut; and NATHAN G. AGOSTINELLI, Comptroller of the State of Connecticut,

Defendants,

and

J. BRIAN GAFFNEY, *Intervenor.*

Before: SMITH, *Circuit Judge,* and BLUMENFELD and ZAMPANO, *District Judge.*

Relevant Docket Entries in District Court

Plaintiffs' Complaint against the Connecticut Governor, Secretary of State, Treasurer, and Comptroller, filed November 10, 1972.

Motion of J. Brian Gaffney to Intervene as Defendant, together with Statement and Memorandum, and Answer, filed December 10, 1972.

Hearing on Motion of Gaffney to Intervene as Defendant held on January 10, 1972; motion granted that day in Gaffney's capacity as elector and resident.

Depositions of Judge George A. Saden and James F. Collins, filed February 24, 1972.

Motion for Preliminary Hearing and Abstention, filed by Intervenor-Defendant Gaffney, February 29, 1972.

Hearing on the Merits and Motion for Stay (Abstention) held March 8, 1972; evidence taken from Plaintiffs' and Intervenor-Defendant's witnesses, and exhibits filed.

Memorandum of Decision of District Court, entered March 30, 1972.

Judgment of District Court, entered April 6, 1972, invalidating Apportionment Board Plan and appointing Special Master to prepare reapportionment plan.

Notice of Appeal to the Supreme Court of the United States, filed by Intervenor-Defendant Gaffney, April 13, 1972.

Motion for Stay of Judgment and Immediate Hearing, filed by Defendant-Intervenor Gaffney, May 24, 1972; hearing held same day.

District Court Memorandum denying motion for stay, filed May 26, 1972.

Motion by Defendant-Intervenor Gaffney filed June 15, 1972 for order that the Secretary of the State proceed to implement the Stay Order of the Supreme Court of the United States, issued on June 12, 1972 and reported at 407 U.S. 902, by conducting an election under the State Plan which was the subject of the Stay Order.

Hearing on above Motion held June 19, 1972, and Motion denied.

District Court Memorandum of Decision filed September 8, 1972 denying motion of Intervenor-Plaintiff Aronie et al. for order placing 1965 plan in effect, the court noting that the Connecticut Court had ordered the State Apportionment Board plan into effect for 1972 elections.

Plaintiffs' Complaint

[Caption omitted]

1. This action arises under the Fourteenth Amendment to the Constitution of the United States, the supremacy clause of Article VI of the Constitution of the United States, and the Civil Rights Act, U.S. Code, Title 42, Section 1983 and Section 1988. Original jurisdiction is conferred upon this Court by U.S. Code Title 42, Sections 1983 and 1988, and by Title 28, Sections 1343 (3) and 1343 (4). Relief herein is also sought pursuant to the Federal Declaratory Judgment Act, U.S. Code, Title 28, Sections 2201 and 2202, as well as under U.S. Code, Title 28, Sections 2281, et seq.

2. The within action seeks an interlocutory and permanent injunction to restrain the enforcement, operation, and execution of certain laws of the State of Connecticut by restraining officers thereof, namely the Governor, the Secretary of the State, the Treasurer, and the Comptroller from holding primary and general elections for members of the House of Representatives and of the Senate of the General Assembly of the State of Connecticut in accordance with a "Plan of Districting for the General Assembly of the State of Connecticut" (hereinafter referred to as the "Plan") dated September 30, 1971 and submitted by two members of a board acting pursuant to Article Third, Sections 6 d and 6 e of the Connecticut Constitution, on the grounds that said Plan violates the United States Constitution. Consequently, this action should be determined by a special court composed of three judges as provided in 28 U.S. Code 2281 et seq. Furthermore, this action seeks relief under Section 28 U.S. Code 2201 et seq. providing for the declaration of rights and other relations of any interested party or parties seeking such declaration, and for further necessary and proper relief based upon such declaratory judgment.

3. The plaintiffs are citizens of the United States, residents of towns or cities in the State of Connecticut as more specifically stated herein, taxpayers, and duly registered and qualified voters, and as such are entitled to vote for members of the Connecticut State General Assembly in the districts in which they reside. This action is brought by the plaintiffs and all other citizens, taxpayers, and voters of the State of Connecticut similarly situated as a class action, said other persons being so numerous as to make it impracticable to bring them before the Court; there are questions of law or fact presented herein common to such

persons; the claims of the plaintiffs herein are typical of the claims of said persons and the plaintiffs will fairly and adequately protect the interests of them in this action.

4. Thomas H. Meskill is Governor of the State of Connecticut; Gloria Schaffer is Secretary of the State of Connecticut; Robert I. Berdon is Treasurer of the State of Connecticut; and Nathan G. Agostinelli is Comptroller of the State of Connecticut. The defendants are sued in their respective capacities as Governor, Secretary of the State, Treasurer, and Comptroller of the State of Connecticut, being charged under the laws of the State of Connecticut with various duties and responsibilities pertaining to the holding of primary and general elections for members of the Connecticut General Assembly and to the certification of the results thereof. In addition, the defendant Gloria Schaffer, as Secretary of the State, is by statute Commissioner of Elections, and this action is brought against her as a representative of all officials, State and municipal, of the State of Connecticut charged with duties and responsibilities pertaining to the holding of primary and general elections for members of the General Assembly of the State; such persons being so numerous as to make it impracticable to bring them all before the Court. A question of law in this case affects all such defendants.

5. The Plan, subject to review by this Court, was approved and adopted by two members of the Board, Judge John R. Thim and Judge George A. Saden, and submitted on September 30, 1971 to the Secretary of the State. The third member of the Board, Judge Leo Parskey, did not approve of the Plan and submitted a minority report. The Plan reapportions the

General Assembly of the State of Connecticut by creating a House of Representatives consisting of 151 single member districts and a Senate consisting of 36 single member districts. The Plan consists of 197 pages and 136 maps and the senatorial and house districts are expressed in terms of names of towns or cities and, where portions of towns or cities are alluded to, in terms of 1970 census data.

6. The Connecticut State Constitution, in Article Third, provides as follows:

> "Sec. 3. The senate shall consist of not less than thirty and not more than fifty members, each of whom shall be an elector residing in the senatorial district from which he is elected. Each senatorial district shall be contiguous as to territory and shall elect no more than one senator.
>
> Sec. 4. The house of representatives shall consist of not less than one hundred twenty-five and not more than two hundred twenty-five members, each of whom shall be an elector residing in the assembly district from which he is elected. Each assembly district shall be contiguous as to territory and shall elect no more than one representative. For the purpose of forming assembly districts no town shall be divided except for the purpose of forming assembly districts wholly within the town.
>
> Sec. 5. The establishment of districts in the general assembly shall be consistent with federal constitutional standards."

7. The State of Connecticut has a population, according to the 1970 census, of 3,032,217. With 151

house (referred to in the Plan and sometimes herein referred to as "assembly") districts, the average number of people in each assembly district is 20,081. With 36 senatorial districts, the average number of people in each senatorial district is 84,228.

8. The assembly districts created by the Plan deviate from the average of 20,081 by a plus 3.93% and a minus 3.90% or a total deviation of 7.83%. 39 assembly districts, or 25.83% of the 151 assembly districts, deviate from the average by plus/minus 3.0 to 3.93%. 47 towns are segmented under the Plan so that a portion of a town is added to another town or a portion of another town to form an assembly district. In addition, 29 towns are divided between two or more assembly districts (not including those instances in which a segment of a town forms an assembly district wholly within a town). The result is that 78 portions of towns are used to form assembly districts not wholly within a town.

9. The senatorial districts created by the Plan deviate from the average of 84,228 people by plus 0.88% and minus 0.93%. Twenty-three towns are segmented to create the senatorial districts. The boundary lines of assembly districts do not mesh with boundary lines of senatorial districts. The result is that 81 assembly districts under the Plan are not located entirely within one senatorial district. In 48 of these 81 districts, a division between two senatorial districts occurs within a town.

10. The Board erroneously interpreted the supremacy clause of Article VI of the United States Constitution to mean that it could totally disregard the provisions of Article Third, Section 4, of the State Constitution, which prohibits the division of towns in the

forming of assembly districts except for the purpose of forming assembly districts wholly within a town. The Board's Plan, as is evident from examination of its results, is based on an interpretation of the supremacy clause of Article VI of the United States Constitution that since the federal districting standards of the Fourteenth Amendment to the United States Constitution requires segmenting of some towns, the state constitutional prohibition against segmenting of towns is rendered totally null and void by force of federal law. This interpretation of the supremacy of federal law ignores the principle of the supremacy clause that the United States Constitution should be applied to override a conflicting state constitutional provision only to the extent necessary to comply with federal constitutional standards and that when practicable, an accommodation must be achieved between the requirements of both the federal and state constitutions that will give full effect to federal requirements while giving the maximum possible effect to state requirements.

11. The Board erroneously applied the one man—one vote doctrine of the Fourteenth Amendment to the United States Constitution to achieve smaller deviations from population equality for the assembly districts than was required by the Fourteenth Amendment to the United States Constitution in view of Article Third, Section 4 of the State Constitution and thereby was compelled to segment an excessive number of towns in forming assembly districts.

12. As a result of the Board's erroneous interpretation of the United States Constitution stated in paragraphs 10 and 11 above, the Plan unnecessarily and excessively segments towns, fragments political communities, destroys voting patterns, isolates small

groups of voters, and creates political and administrative confusion which deny to the plaintiffs without due process of law the right to participate in the elective and political process as effectively as those who reside in districts wholly within town lines.

a. Plaintiff Russell E. Vining resides in the Town of Hamden and Plaintiff Omar Allvord resides in the Town of Groton. These towns of Hamden and Groton are unnecessarily or excessively segmented in the formation of assembly districts. Said plaintiffs, and persons similarly situated in other towns, are adversely affected and their constitutional rights violated by the Plan.

13. The General Assembly can be reapportioned (and plans will be submitted by the plaintiffs to the Court) to demonstrate that:

a. By keeping the same number of districts and the same percentage deviation as in the Plan, less towns can be segmented and these towns can be segmented fewer times.

b. By keeping the same number of districts as in the Plan and using a percentage deviation higher than the Plan, but within federal constitutional standards, substantially less towns can be segmented and these towns can be segmented substantially fewer times.

c. By changing the number of districts but within the state constitutional limits, and by keeping the same percentage deviation as in the Plan, substantially less towns can be segmented and these can be segmented substantially fewer times.

d. By changing the number of districts within state constitutional limits and using a percentage devi-

ation higher than the Plan, but within federal constitutional standards, substantially less towns can be segmented and these towns can be segmented substantially fewer times.

14. The plaintiffs have constitutionally protected rights under the Fourteenth Amendment and the supremacy clause of Article VI of the United States Constitution, in the alternative, either:

a. to have a plan which gives maximum effectiveness to the state constitutional prohibition against segmenting towns in forming house districts consistent with a resulting percentage deviation from equality no higher than federal constitutional standards will permit; or

b. to have a plan which keeps the deviation of the districts from equality to the smallest amount practicable while giving no significance to the State constitutional prohibition against segmenting towns in forming house districts.

The plaintiffs are denied rights under subparagraph a. herein in that the plan (i) segments more towns and more often than need to be segmented by a plan with the same deviation from equality and the same number of districts as the Plan; (ii) segments substantially more towns and substantially more often than need be segmented by a plan with the same number of districts as the Plan and a higher deviation but within federal constitutional standards; and (iii) segments substantially more towns and substantially more often than need to be segmented by a plan with a different number of districts (but within state constitutional limits) and the same deviation from equality as the Plan; and (iv) segments substantially more

towns and substantially more often than need to be segmented by a plan with a different number of districts (but within state constitutional limits) and a higher deviation but within federal constitutional standards.

The plaintiffs are denied rights under subparagraph b. herein in that the Plan creates 39 assembly districts, or 25.83% of the 151 districts, with a deviation between plus/minus 3% to 4% which deviation is without justification on any rational state policy and thereby causes the Plan to be in violation of the requirement of equality under the Fourteenth Amendment of the United States Constitution.

15. The deviations from equality of the senatorial and assembly districts result from an intent to achieve and do achieve partisan advantage for the Republican Party amounting to political gerrymandering and said deviations are without justification and cause the Plan to be in violation of the equal protection clause of the Fourteenth Amendment to the United States Constitution.

16. The Plan contains a built-in bias in favor of the Republican Party, denies or dilutes voting power because of partisan political group characteristics, and reveals a pattern of discrimination based on partisan political consideration amounting to political gerrymandering, and deprives members of other political parties of fair and proportionate representation, all in violation of the equal protection clause of the Fourteenth Amendment to the United States Constitution.

a. Plaintiff Anne Dillon Dalton resides in West Hartford in Assembly District 19; Plaintiff Owen L. Clark resides in West Hartford in Assembly District 20; and Plaintiff Omar Allvord resides in Groton in

Senate District 18 of the Plan. These assembly and senatorial districts, among others, are the result of political gerrymandering. These plaintiffs and other persons similarly situated in other General Assembly districts are adversely affected and their Fourteenth Amendment constitutional rights violated by the Plan.

17. The tortuous lines which delineate many of the senatorial and assembly districts and the crazy-quilt shapes of these senatorial and assembly districts create a lack of compactness, reveal a lack of rationality in the composition of the districts, demonstrate a lack of good faith in the creation of the Plan, all of which result in the Plan:

a. Failing to achieve practicable equality of the districts required by the equal protections clause of the Fourteenth Amendment of the United States Constitution. The following senatorial and assembly districts are among the most glaring examples of these defects:

Senatorial Districts 4, 10, 17, 28, 29, 32, and 34.

Assembly Districts 5, 12, 13, 15, 19, 20, 41, 88, 125, 127, 131, 138, and 140.

b. Forming districts on the basis of criteria not rationally related to the purpose of redistricting in violation of the due process clause of the Fourteenth Amendment to the United States Constitution.

The General Assembly can be reapportioned (and plans will be submitted by the plaintiffs to the Court) to form districts of substantially greater compactness than the Plan.

(i) Plaintiff Theodore R. Cummings resides in Manchester in Assembly District 12; Plaintiff Owen L. Clark resides in West Hartford in Assembly Dis-

trict 20; and Plaintiff Curt F. Beck resides in Mansfield in Senatorial District 29. These plaintiffs and other persons similarly situated in other General Assembly districts are adversely affected and their constitutional rights violated by the Plan.

18. Two assembly districts under the Plan (Assembly Districts 104 and 79) are non-contiguous and several assembly districts and at least one senatorial district are practically non-contiguous (Assembly Districts 5, 15, and 131; Senatorial District 9) revealing a lack of rationality in the composition of the districts and demonstrating a lack of good faith in the creation of the Plan, all of which results in the Plan failing to achieve the practicable equality required by the equal protection clause of the Fourteenth Amendment to the United States Constitution.

a. Plaintiff Gerald F. Heffernan resides in the Town of Ansonia in Assembly District 104. This plaintiff and other persons similarly situated in other General Assembly districts are adversely affected and their constitutional rights violated by the Plan.

19. The voters residing in the following areas in the State of Connecticut are not included in any Assembly District under the Plan and are thus disenfranchised from voting for members of the House of Representatives, arbitrarily discriminated against, and denied voting rights without due process of law and denied the equal protection of the law in violation of the Fourteenth Amendment. The voters so affected and denied the aforesaid right reside:

a. In the Town of Bristol in block groups 2, 3, and 4 of census tract 4052; in block groups 2, 3, and 4 of census tract 4054; and in block groups 2, 3, 4, and 5 of census tract 4055.

b. In the Town of Enfield block group 2 in census tract 4807.

c. In the Town of Fairfield block group 9 in census tract 604.

(i) Plaintiff John P. Duffey resides at 96 South Street in Bristol in block group 4 of census tract 4055; and Plaintiff Harold C. Nuccio resides at 38 Green Valley Drive in Enfield in block group 2 in census tract 4807. These plaintiffs and other persons similarly situated in other Assembly Districts are adversely affected and their constitutional rights violated by the Plan.

20. The Plan is expressed in terms of census data. The Plan's descriptions of approximately 20 of these assembly districts are vague and ambiguous and cannot be translated into geographical lines to create the actual boundaries of these districts with requisite accuracy thus denying to residents of those districts certainty as to which assembly districts they are located, in violation of the equal protection clause of the Fourteenth Amendment to the United States Constitution.

21. The Board has submitted a single Plan for the "Alteration of Districts of the General Assembly." If the reapportionment of one house of the General Assembly is held invalid, the Plan for the other house must also fail.

22. The plaintiffs have no adequate remedy at law for relief herein sought.

23. By reason of the foregoing, the plaintiffs respectfully pray for judgment as follows:

a. That a special three-judge court be called to hear and determine this cause, as by law provided in U.S. Code Title 28, Section 2881 et seq.

b. Declare and determine that the Plan of Districting for the General Assembly of the State of Connecticut dated September 30, 1971 is void and invalid as being contrary to the Constitution of the United States.

c. Restrain the defendants and their privies by interlocutory and permanent injunction from doing any act or taking any step in furtherance of holding primary or general elections for members of the General Assembly in accordance with said Plan.

d. The Court itself, or through a Special Master, approve a plan of districting for the General Assembly of the State of Connecticut in accordance with constitutional standards.

e. Pending compliance with any direction made by this Court, jurisdiction over all the parties herein be retained by this Court.

f. The plaintiffs have such other and further relief as to this Court may be just and equitable.

/s/ ROBERT SATTER
Robert Satter,
Attorney for the Plaintiffs
60 Washington Street
Hartford, Connecticut

/s/ JAMES A. WADE
James Wade,
Attorney for the Plaintiffs
799 Main Street
Hartford, Connecticut

November 18, 1971

Answer of Intervenor-Defendant J. Brian Gaffney

[Caption omitted]

FIRST DEFENSE

As more fully shown by the Complaint, this action seeks to restrain implementation of a constitutional procedure of the State of Connecticut, which procedure has not been authoritatively interpreted by the courts of the State. Appropriate and effective remedies exist in said State whereby an authoritative interpretation of this procedure and its application to these plaintiffs may be obtained in the courts of the State, including but not limited to a certain action for declaratory judgment instituted in the Superior Court, Hartford County, November 12, 1971, entitled John H. Miller vs. Gloria Schaffer, as Secretary of the State, docketed in said court as Number 173606, and therein pending. By reason of the pendency of said action in said state court, it is improper and contrary to the comity of the courts and the precedents of federal practice that this Court should assume jurisdiction and concurrently try the same subject matter. Wherefore, this defendant requests this Court to dismiss this action, or to stay action herein, until that action in the Superior Court of the State of Connecticut or another appropriate action has been prosecuted to final judgment or otherwise disposed of, and then to ascertain whether or not any issues presented in this action are available for consideration by this Court.

SECOND DEFENSE

This defendant admits the allegations contained in Paragraphs 4, 5, 6, and 7 of the Complaint, excepting the allegation of Paragraph 4 that a question of law

in this case affects all defendants, which is denied; alleges that he is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 1, 2, 3, 8, and 9 of the Complaint, excepting the allegation of Paragraph 2 that the Plan violates the United States Constitution, which is denied, and denies further each and every other allegation contained in the Complaint.

THIRD DEFENSE

The Board intended each Assembly District of the Plan to be contiguous as to territory, and an apparent noncontiguity of Assembly District 104 is unintentional, inadvertent, and insubstantial, in that a very small and unpopulated spur of land in Enumeration District 67, as shown on a map compiled for the 1970 census of Connecticut taken by the United States Department of Commerce, Bureau of the Census, and issued by the Bureau of the Census, being the basis of this Plan in this particular and being more specifically identified as that certain map number 20 of Southwestern Connecticut of the Metropolitan Map Series bearing the designation "United States Department of Commerce," Bureau of the Census, Geography Division, produces discontinuity among Census Enumeration Districts 73, 75, and 76 comprised within said District 104.

FOURTH DEFENSE

By clerical error in transposition of statistical population data of the aforesaid census to geographical description of said census, in Districts 59, 79 and 134 of the House of Representatives in said Plan, there appear instances of partial misdescription of portions of

said Districts, attributable in part to the available census data, and having no effect on the population in fact comprised within said Districts, in that, in the description of District 59 there is a reference to "B G number 1 of census tract 4807" rather than to "census tract 4807"; in the description of District 79 there is a reference to "B G number 1 of census tract 4052, B G number 1 of census tract 4054, and B G number 1 of census tract 4055" rather than to "census tract 4052, census tract 4054 and census tract 4055" and in the description of District 134 there is reference to "B G numbers 1, 2, 3 and 4 of census tract numbers 604" rather than to "census tract number 604".

Wherefore, this defendant respectfully prays that the Complaint be dismissed, or, in the alternative:

1. A declaratory judgment construing District 104 aforesaid in accordance with its intended contiguity, reforming said District by incorporating that portion of ED 67 lying southerly of Beaver Brook, as said Brook is shown on said Map number 20 referred to in the Third Defense herein, into said District 104 and by deleting the erroneously surplus descriptive references for Districts 59, 79 and 134 as recited in the Fourth Defense of the Answer of this defendant to the Complaint, and declaring said Plan as so construed to be valid and effective for the general election to be held November, 1972; or an order returning the Plan to the Board for this or other action appropriate to these ends, and for the further consideration of and promulgation by this Court in the effectuation of this Plan.

2. An order requiring the defendant the Secretary of the State to publish said Plan forthwith, as required by said constitutional mandate, with the full force of

law as corrected hereby, and requiring the named defendants and other public officials and bodies charged with the conduct of elections to conduct elections and primaries for the General Assembly thereafter in accordance with said Plan, any conflicting provision of the general statutes of the State to the contrary notwithstanding.

3. An order returning the Plan to the Board, to provide an alternative description of electoral districts in said Plan, by reference to streets and highways and other fixed and commonly recognized natural and political entities and boundaries, for the further consideration and promulgation by this Court in the effectuation of this Plan.

4. Such other and further relief as the Court may deem just and equitable in the premises.

/s/ FRANCIS J. MCCARTHY
Francis J. McCarthy
Attorney for J. Brian Gaffney, Applicant for Intervention
700 Main Street
Hartford, Connecticut 06103

Deposition of Judge George A. Saden, February 14, 1972

[Caption omitted]

[4]

George A. Saden,

The Deponent, having been duly sworn by the Notary Public, testified as follows:

Direct Examination

By Mr. Satter:

Q. Mr. Saden, were you one of the board members that approved of the plan of districting of the General Assembly of the State of Connecticut dated September 30, 1971. A. Yes.

Q. Am I correct in referring to you and to the three people who made this plan as members of the board? A. I guess that's the way the constitution sets it out.

Q. That's the way the constitution sets it out? A. It talks of two Judges of the Superior Court and then an elector selected by them.

Q. And they are referred to as a board? A. They are referred to as a board, yes.

Q. By whom were you selected? A. By the minority leader in the House.

Q. And he is a Republican? A. Yes.

Q. And prior to your becoming a Judge on the Superior Court you were General Counsel to the Republican Party? A. Yes.

Q. And how long have you been General Counsel to the Republican Party? A. I don't know. A couple of years. Two or three years, I'd say. I couldn't give you the exact

time [5] on that. Starting back in the '69 session. Actually I suppose it would be just before January of '69, late '68, somewhere in there.

Q. And during the '71 session of the General Assembly had you worked on reapportionment on behalf of the republican party? A. I had, to a slight extent. I was in on some conferences, as you know, with yourself and John Newman, Mr. Collins, I think it was a Mr. Caplan, and I attended a few of the meetings at the beginning of the committee itself but I didn't do any substantial amount of work on it.

Q. And when were you appointed Judge of the Superior Court? A. Well, I took office on June 14, 1971. The confirmation in the legislature went through, I think, a week or two before that. I'm not certain.

Q. Up until the time you were confirmed— A. I wasn't sworn in till June 14th.

Q. Up until the time that you were confirmed by the General Assembly you were counsel to the republican party in the General Assembly, is that correct? A. Yes.

Q. Now the other members of the board were Judge Leo Parskey and— A. Mr. Parskey.

Q. Yes. A. Since you want to make it Mister all the way along [6] the line we'll use that for both of us and I suppose Mr. Thim.

Q. What is his first name? A. John.

Q. Mr. John Thim. Now John Thim had been the former Speaker of the House of Representatives, is that correct? A. I think he was about twenty-five years ago, somewhere in the late '40's if I'm not mistaken, but I don't have the exact date. But he was—that was about the period of time he was active. I don't know how long prior to then but somewhere in that range.

Q. And how was Thim appointed as the third member of the board? A. I received a letter from Mr. Parskey with a list of six names of six judges and Mr. Thim's name was on the list. Mr. Parskey indicated in his letter that any one

of the six were satisfactory to him so I selected Mr. Thim on that basis and we agreed on Thim.

Q. And when were you appointed a member of the board? A. I don't remember exactly. Sometime the first week in July, first or second week in July I received a letter from Mr. Collins. That was about the time.

Q. That's Mr. Francis Collins who is the Minority Leader of the House of Representatives? A. Yes.

Q. When was the first time after your appointment that the board met to deliberate on the matter of [7] redistricting of the General Assembly A. It was some time in the latter part of August, as I recall it, but I don't know exactly what day. Mr. Parskey had been away on a vacation from the end of July until some time late in August, and when he returned we had a meeting, a first meeting, some time the latter part of August.

Q. When was Mr. Thim selected? When was Justice John Thim selected? A. I don't know the exact date. I would say some time in—I received a letter from Mr. Parskey some time late in July and I replied to it some time the early part of August indicating that I was satisfied to have Justice Thim serve as the third man. Now of course I think that when we did get together later on, when Mr. Parskey got back from his vacation, I think we both signed some kind of a statement indicating our approval of Justice Thim as the third man. That would have been late in August although my letter to Parskey would have been early in August.

Q. And so you think that Justice Thim was appointed as the third man some time in the latter part of August? A. Well, it depends on what you call an appointment. The letter in which I selected his name or the formality of Parskey and I signing some kind of a paper. But it was some time in August in either event.

Q. And when did the board first meet to deliberate on this? [8] A. I told you, some time the latter part of August is the best I can recall.

Q. And were all members of the board present at that time? A. Yes.

Q. And where did you meet? A. We met—all our meetings were at Justice Thim's office here in Hartford. We did have one luncheon meeting as I recall it in New Haven, the three of us, I can't remember exactly when that was, but I believe that preceded our first meeting in Hartford.

Q. And how many meetings did you have altogether as a board? A. I don't know. I don't keep track of them. I couldn't give you the number of meetings we had.

Q. Did you have a working arrangement as to how you were to proceed with the redistricting of the General Assembly? A. I don't know what you mean by a working arrangement. The situation was one in which Parskey and I were going to come up with some suggestions and then meet with Justice Thim and discuss them. It was Justice Thim's idea that we ought to try, Parskey and I ought to try to reach some kind of an agreement between us, and we started off on that basis where Parskey took some time to put together whatever his ideas were and I was trying to do the same thing.

Q. And which House of the General Assembly did you start with to attempt to district? [9] A. Well, Parskey selected the Senate so we started with the Senate and spent most of our time on the Senate.

Q. Well, by most of your time— A. Practically all of it. Actually we never really got into a discussion of the House at all. Right up to the very last day. We were arguing about the Senate and although I had submitted a House plan to Parskey sometime I'd say early in September, we never did get to discuss it in any detail at all because we were so much more involved with the Senate and Parskey wanted to get the Senate done first. He didn't want to go on to the House until he had the Senate completed.

Q. So you are saying that you really had no, virtually no discussions over the House? A. Yes, that's correct.

The only thing is Parskey never came up with a House plan except for, as I recall it, a so-called block plan where areas of the State were blocked off and assigned a certain number of assembly seats but the individual assembly seat was not delineated on this small scale map that we were using, you know, the type we have, it was about, oh, a foot and a half by a foot, something like that.

Q. Larger than a map of this kind? A. Well, I think the one, his block plan that he gave me I think was the size of that form that you have there.

Q. What is that, eight by ten, isn't it? [10] A. I suppose.

Q. Now let me just be clear. Are you saying then that the board, that you and Parskey essentially never deliberated over the House plan at all? A. I think that's about the size of it. The only thing that Parskey ever mentioned to me about the House plan was something to the effect the day before we finally voted on the Senate plan, or a day before, I can't recall exactly, in which he indicated to me that our House plan seemed to be all right except for maybe one or two changes here and there, but he wasn't going to do anything with the House plan until the Senate plan was straightened out.

Q. Do you have a copy of the House plan which you submitted to Mr. Parskey in September? A. I don't know whether I have one now or not. I thought I had copies of them but in trying to look for my papers in the process of moving from my practice office into my courthouse office a lot of things have gotten mixed up and lost but I can try to find one. If I have one I will be very glad to bring it in or give it to Mr. McCarthy.

Q. Give it to Mr. McCarthy and if we can stipulate it as the plan we might—would you agree to having it submitted as an exhibit?

[11] Mr. McCarthy: Yes.

Mr. Satter: If Mr. Saden tells us this is the one he submitted to Mr. Parskey.

Mr. Hultgren: May I ask for what purpose since it was never approved?

Mr. Satter: I am just trying to show the development of the plan, the background material.

Mr. Hultgren: All right.

By Mr. Satter:

Q. Was there any significant difference between the House plan that you submitted to Mr. Parskey in September as your plan and the one which is essentially adopted—which was adopted, leave out the word essentially, as the board plan with respect to the House? A. I think the plan that was ultimately adopted is substantially the same. There might have been very few changes but I don't recall them specifically offhand what they might be but it was essentially the same plan.

Q. Were the changes which were made in the House plan as ultimately adopted discussed with Mr. Parskey? That is the changes in the plan you submitted to him in September. A. I recall one change that was made which was made at his request. The only comment that sticks in my mind about the House plan coming from Mr. Parskey was [12] the fact that he would like to see Ruby Cohen retained in his district and I think I did make a change in that district which didn't affect the over-all plan at all but might be more desirable from Ruby Cohen's point of view.

Q. And Ruby Cohen is a representative? A. He is a democratic representative over in the Colchester area, I think.

Q. Other than that do you remember any other discussions you had with Mr. Parskey respecting the House plan as you submitted it to him in September and as it was ultimately adopted in September 30, 1971? A. I don't recall any other suggestions, any other discussions. You see, what happened was that when we took a vote on the Senate plan which was, as I recall it, on a Friday about noontime,

the 30th of September being the last date for filing, the previous Friday around noontime—

Q. How many times before that date would that have been? A. I don't know but it would be the Friday before the Thursday. Approximately six days, wouldn't it?

Q. Mm-hm. Thursday. Was September 30th on a Thursday? A. Yes, I think it was. I'm almost certain it was [13] a Thursday.

Q. Let me just get a calendar. September 30th was on a Thursday. Would it be September 24th? A. Yes, the previous Friday would be the 24th of September. It was approximately around noontime on that day that we finally took a first vote on the Senate plan, and Judge Thim voted for my plan at that time and Mr. Parskey became very angry about it and stormed out of the office so we never got a chance to sit down and go over the House plan with him from that point on.

Q. And so you are saying that at that point the deliberations between the two of you in effect ceased? A. Between the two?

Q. Between you and Mr. Parskey? A. For all practical purposes. I did speak to him, I think, once or twice afterwards but nothing of any great consequence that I can recall on the telephone.

Q. And were any changes made in the House plan during that week from September 25th approximately to September 30th when you prepared the ultimate plan? A. I think there might have been one or two, there were one or two small changes that were made under my direction to try to get the deviations down as reasonably low as we could, and where we were able to improve them a little bit in one or two instances we tried.

[14] Q. And did you discuss those with Mr. Parskey? A. No, I didn't discuss those particular changes with him.

Q. Was there then a subsequent meeting after the 25th to consider the plan as you finally adopted it? A. No, there wasn't.

Q. Was there then a vote taken by the committee, by the board, to adopt this plan? A. A vote was—Justice Thim and I voted to adopt the Senate plan and the House plan.

Q. Was there a meeting held to formally adopt the plan? A. Well, none of our meetings were formal. We had no minutes, we had no secretary, and we had no transcription of anything. It's probably just as well. Some of the language that occurred wouldn't lend itself very well to transcription.

Q. So it is fair to say there was never a formal meeting or even a meeting at all on September 30th to adopt this plan? A. Oh, no, no, that's not true. This plan when it was actually signed was signed—I signed it and we took it down to Hamden where Justice Thim lives and he signed it on the 30th at that point and we discussed a few things with him.

[15] Q. Who is we? A. I did.

Q. Not Parskey? A. Oh, no, no, Parskey wasn't there. And then I brought the plan back and I filed it about four o'clock in the afternoon, as I recall.

Q. Did you show it to Mr. Parskey? A. I gave him a copy of it, the plan. I'm not sure—yes, I gave him, I'm pretty sure I gave him a copy of the plan because I went over to his office that day and he asked me to deliver his so-called dissent with the plan which I agreed to do and I did.

Q. Did you give him a copy of the plan? A. I think I did. I can't recall now whether I—I have the impression that I did on that day but maybe I didn't, I'm not sure. We were short on copies at that point because we hadn't yet been able to get them photostated in any quantity at all.

Q. Would you have given him a copy? You say you are not sure whether you gave him a copy of the plan? A. I thought I did but I'm really not certain. I don't have any specific recollection of it.

Q. Would the plan have at that point included both the description of it as stated in the bound volume which con-

tains a submission to Honorable Gloria Schaffer dated [16] September 30, 1971 and all of the maps that were to be appended to it? A. It wouldn't have included the maps because we only have one set of maps and that's all there were available to us which made it very difficult to work with in the first place because we were afraid to mark any of those maps and we needed those maps to file with the Secretary of the State so I couldn't have given anybody—no one got a set of the maps except the Secretary of the State with the plan itself.

Q. So would you have—you don't recollect whether you gave Mr. Parskey a plan but if you had given him a plan you would not have given him any maps? A. That's correct, yes. He would have gotten only the typed plan with a reference to the maps but not the maps themselves.

Q. Would you have given him any—and you don't recollect whether or not—excuse me, withdraw the question. Let me start over. You don't recollect whether or not you gave him any maps which would have delineated on it the districts in both the House and the Senate? A. Are you referring to the small maps?

Q. Yes. At the time you gave him or at the time on September 30th when you went to see him. [17] A. No, I don't think we had a map, one of those forms. We did try to put together a rough map on these small map forms of the House and the Senate. That was done very late in the afternoon and I'm not sure but I don't think I had one available to me at the time I saw Parskey earlier that afternoon so I don't think I gave him that roughly drawn map.

Q. And whether or not you recollect informing him of any changes which you made in either the House or the Senate plans between your last conversation with him and the time that you and Mr. Thim signed the plan? A. Well, what do you mean, the last conversation with him on Friday, the 24th?

Q. Yes. A. And the time that Justice Thim and I signed the plan on the 30th? A. Yes.

Q. Yes. A. The only thing that I can recall is I know I talked to him a couple of times and I do remember specifically the Ruby Cohen situation because he had asked me whether the House plan was going to be substantially the same as the one I had given him originally and I had indicated that it was but I had made one or two changes on it one of which was the Ruby Cohen change because he had indicated his personal desire to have that type of [18] change made.

Q. Well, did you inform him of specifically other changes other than the Ruby Cohen change? A. I don't recall that I gave him any specific breakdown on the other individual changes or not.

Q. Would it be fair to say that you probably did not? A. Probably. I can't answer that with any great degree of accuracy offhand.

Q. But you probably did not inform him of the specific changes? A. Probably I did not go over all the individual changes, last minute changes that were made prior to the plan being signed. There was not that large a number and to try to discuss them without going over the actual maps with someone doesn't—is not very helpful, wasn't very helpful then, wouldn't have been.

Q. Now when did you— A. I might add I gathered the fact that he walked out, stormed out of Justice Thim's office, indicated pretty clearly to me at least that he just wasn't interested in any further consultations about this matter. He was very angry and wasn't going to be bothered talking about the House or anything else.

Q. Now when did you start working on this matter [19] of districting after you became a board member? A. I personally started working in July. I was here in Hartford almost every day—well, not every day but about four days a week, I'd say, through July and August, and in September I was here just about every day, almost every day.

Q. And where did you work? A. I did most of my work in the Capitol, in the House Minority Office where the records and papers were available and down in the—some of it down in the so-called Reapportionment Committee Room on the first floor.

Q. And did you consult with people while you were working on your version of the plans? A. Yes.

Q. With whom did you consult? A. Mr. Collins.

Q. Mr. James Collins? A. James Collins.

Q. Mr. Orcutt? A. Yes. Mr. Collins primarily.

Q. Who were each of them? A. Well, they were two part time volunteers. Mr. Collins did as an attorney here in town and I don't know whether he held any official position in the last session of the legislature or not, I don't recall, but he offered [20] to assist and I was very glad to have his assistance for some of the mechanical parts of the operation, the mathematical parts of the operation I found very helpful.

Q. He works with the republican party? A. Well, I don't know whether he is working with the republican party or not. He was working with me.

Q. Well, hadn't he worked with the republican party during all of the legislative sessions in dealing with reapportionment? A. I don't recall whether he was in on working with the committee or not or whether he was assigned to the committee. He might have been but I don't recall offhand.

Q. But it would have been with the republican party, would it not? A. Oh, yes, it would have been with the republican party, no question about it, just as the democrats had their representatives including yourself.

Q. And Mr. Orcutt, who was he? A. He is a representative, a republican representative. I think he is from the Town of Guilford or Madison, I'm not sure which town it is.

Q. And he was the republican cochairman of the Reapportionment Committee of the 1971 session of the legisla-

ture? A. Well, I don't know of my own knowledge what his [21] official position was with that committee but if you say he was the cochairman, republican cochairman, you would probably know better than I.

Q. Mr. Saden, you are not implying that I know more about the republican party than you do, are you? A. I wouldn't be surprised if you do.

Q. Now what role did Mr. Collins play in the development of these plans? A. Well, I laid down the basic rules that I was interested in seeing followed and then he picked up the mathematical end of it and the piecing together of the jigsaw puzzle, made some suggestions and recommendations which we discussed from time to time.

Q. Did he actually prepare the plan for the House, let's say? Would he actually delineate the districts? A. Well, I wasn't always present when every individual map was being drawn so it's pretty hard for me to answer in those terms. I'm sure that he had a lot to do with the mechanics of both of the Houses.

Q. You say that his role was primarily that of a mechanic? A. I didn't say it was that primarily of a mechanic. I thought he was a pretty good mathematician too and seemed to have the figures pretty well in hand and was very helpful to me in discussing both the figures and the map [22] drawing itself.

Q. In the preparation of your plan for both the House and Senate did you consult with other members of the republican party? A. Very few individuals in the republican party. There were a few democrats and republicans who spoke to me from time to time about the plan.

Q. But were your consultations primarily with republicans? A. I wouldn't say primarily with republicans. I think I spoke to as many democrats as I did republicans.

Q. Did you consult with the republican party leadership? A. On a few occasions I did talk to Mr. Gaffney but not very many occasions, maybe two or three times in the course of the three months that I was working on it.

Q. Did you ever speak to the Governor? A. Never.

Q. Did you ever speak to any of the democratic party? A. Yes.

Q. Who? A. Oh, I recall speaking to Mr. Carazello on one occasion, just very briefly once with once Mr. Bailey in the hallway at the Capitol one day. Let's see, there were a couple of others. I don't recall offhand who they were.

[23] Q. But didn't you, Mr. Saden, feel that your responsibility, having been appointed by a minority leader of the House, that your primary responsibility in the development of this plan was to protect the interests of the republican party? A. No, that wasn't my primary responsibility. I think my primary responsibility was to try to develop what I considered a fair plan.

Q. Are you saying to me you had no partisan consideration in your consideration of these districts? A. I don't think I had any partisan consideration in it. I think that we finally came out with a plan which will reflect more accurately, I hope, as far as I can judge it, and there are no certainties in this business, at least I don't know of any certainties, and I didn't at the time the plan was drawn, but I would expect that it would more accurately reflect the votes on the Senate and the House lines in the General Assembly much better than what the reapportionment plan that was developed in '64 and '65 did but that's just part of the answer.

Q. What data did you use in dealing with—in creating these districts? A. The data?

Q. Yes. A. Well, of course the first thing that we had to do was to try to abide by the one man, one vote principle of the Reynolds-Sims case—

[24] Q. I'm not asking about principles. I'm asking you what kind of factual data did you use? Did you use the federal census material? A. Oh, yes.

Q. Did you also use party registration? A. No. I don't recall. I didn't specify the use of party registration at all. I did go to the actual votes in the '66, '68 and '70 elections.

Q. And is the election— A. As a test of the final plan, to test the plan against those votes.

Q. Did you use those election results to create districts? A. No, not the election results alone to create districts. What I was doing or trying to do was to conform to the one man, one vote principle in both Houses as far as reasonably possible. I was doing—I instructed Mr. Collins that we try as far as we reasonably could do so to maintain the town boundary lines in the House. We were not obliged to do this in the Senate. And I was also trying to work out a plan that would reflect, and I think this is a corollary of the one man, one vote theory, a plan that would reflect the over-all voting pattern in the General Assembly so that instead of having a Statewide plurality, for example, as you will see if you will look at the statistics for '66 and '68, a Statewide plurality on the democratic side of somewhere between fifty-two percent to fifty-four [25] percent in one of the elections and fifty-four in the other, I'm not sure which it was, producing a seventy percent representation on the democratic side in the '66 election in the Senate and a sixty-seven percent representation in the Senate in the '68 election, so that you would have a greater proximity between the actual numbers of control within those two groups corresponding with the over-all plurality of the winning party.

Q. In order to achieve that object did you not then have to look at election results and use those election results in creating these districts? A. To a certain extent there is no question we had to do that and I think this is part of the development of a fair plan because it's conceivable, you see—

Q. That's not what I asked you. I asked you whether or not you used the election results in creating these districts? A. To a certain extent we did shape some of the districts in order to achieve that result and I think the plan that we ultimately got is the plan that does create a fair basis for an election because if you test the plan against the '66

and '68 results you will find that the democrats would win in this plan in both of those elections.

Q. Did you give consideration in the creation of these districts to incumbency? A. No, not particularly at all. It would have been very simple, for example, if you wanted to draw a [26] partisan plan, if I wanted to draw a partisan plan that I could have eliminated all the democratic leadership in both houses.

Q. Didn't one of your plans actually attempt to eliminate some of the leaders of the House? A. No. There was one set of plans that I drew which I thought was unfair and which I so told Mr. Parskey and Justice Thim, that it would give the republicans a great advantage far out of proportion to what they would be entitled to in the event of an election where the democrats won the Senate line and would still lose control in the Senate, and I discarded that plan purposely because of that fact, but I made no effort to destroy any of the democratic leadership.

Q. Who actually drew out the districts which you submitted for the House? A. I guess Mr. Collins and Mr. Orcutt did the actual mechanics of putting together the figures and the drawing of the maps themselves and submitted them to me.

Q. So they did the real work of delineating the districts and you looked it over after they were completed, is that correct? A. Essentially that's probably a fair appraisal of it.

[27] Q. And part of your instruction was that in creating these districts they were to take into account the election results of prior elections?

Mr. Hultgren: I will object to that. That wasn't the evidence of what Judge Saden stated.

Mr. Satter: I am asking—

Mr. Hultgren: As I recall he said—

Mr. Satter: I'll ask the question again.

Mr. McCarthy: Let's object to form. Restate it. It was an argumentative question.

By Mr. Satter:

Q. The factor that you—did you tell Mr. Orcutt and Mr. Collins to consider in their creation of both the Senate and the House to consider the factor of the election results of prior elections? A. I wanted the plan to be tested against prior elections to try to see whether it was a fair plan and would react as it should react in '66 and '68 in favor of the democrats and react as it should in 1970 in favor of republicans, and I asked them to keep that in mind although that wasn't the primary consideration of drafting the plan. It was a factor in that sense.

Q. Now you have alluded to the one man, one vote concept in your testimony today. Did you have in mind [28] or did you instruct the creators of the districts in both the House and the Senate to have in mind a specific percentage deviation from average population? A. No, I didn't. I wanted it as reasonably low as we could without tearing up the whole state.

Q. Did you have any particular percentage deviation in mind or did you—withdraw that question. Did you instruct Mr. Collins and Mr. Orcutt to have any specific deviation in mind as they develop these specific districts? A. No, there was no specific hard and fast deviation figure in mind. I wanted to keep it low, that was all.

Q. Did you feel compelled by the equal protections clause in the United States Constitution to keep within a low percentage deviation? A. I don't think you have much choice but to keep the deviation low the way I understand the law.

Q. Did you feel that this requirement of keeping a low population deviation from the average was the dominant factor in establishing—the dominant legal factor in establishing the districts within the plan? A. It was a primary factor. We had to start with that first. That is to be the over-all guiding factor in the whole picture, but there were

other considerations [29] that had to be—that I thought deserved some thought also.

Q. In your development of this plan, and by you I assume I am referring to you and those who work under your guidance and your direction, did you have any specific percentage deviation within which you sought to keep within? A. No, I had no specfic number in mind.

Q. Did you have any range? A. Only that I wanted the range pretty low, as low as reasonably possible keeping in mind the other factors that I mentioned to you to develop what would be an overall fair plan.

Q. And those were the two factors that you had in mind, a low percentage deviation and an over-all fair plan. Were those the dominant factors in your mind? A. Plus the fact that keeping in the House, at least trying to as far as we could to maintain town integrity on lines, although I realized in the House we weren't going to be able to do it as well as we could do it in the Senate.

Q. As between keeping town lines, retaining the integrity of the town lines and keeping the low deviation, which did you feel was dominant? A. Low deviation.

Q. Did you feel compelled to that low deviation [30] by your interpretation of the cases interpreting equal protection clauses in the United States Constitution? A. I think so. I don't see how you could read these cases differently. I think the one man, one vote theory pretty much makes town lines rather unimportant, whether we like it or not. I don't especially like it that way but I don't suppose there is a great deal we are going to be able to do about it.

Q. And therefore is it fair to say then that in this creation of this plan that under your instructions town lines were to be—well, I withdraw the question. A. I wasn't going to answer. The answer would have been no anyway.

Q. Well, I didn't ask the question. Now did you— A. I didn't tell them to disregard town lines.

Q. Did you make any attempt when they submitted any plans to you, that is, when they meaning Mr. Collins and Mr. Orcutt—excuse me. Let me withdraw that question and start all over again. I want to be clear in my mind as to how you operated, Mr. Saden. Did you yourself mechanically draw these districts or did you have Mr. Orcutt and Mr. Collins do it for you? A. I didn't do a great number of them but there were times when I participated in it, in the drawing of districts, but the bulk of them I did not do, the actual [31] mechanics of drawing the maps themselves, I didn't do all of that. I looked at them afterwards.

Q. And they were done, the drawing of the maps, both for the House and the Senate, were done primarily by Mr. Orcutt and Mr. Collins? A. Mr. Collins I think assisted by Mr. Orcutt, yes.

Q. Was there any plans that they submitted to you which you sought to change by reducing the number of town lines which had been cut by their plans? A. You're talking about the House plan, I think?

Q. The House plan. A. I don't recall now whether-we made one or two changes but I don't recall any specific instances offhand.

Q. Was it your theory, Mr. Saden, that once you had to cut some town lines that it really didn't make any difference how many other town lines you cut? A. No, that wasn't my theory.

Q. Did you yourself ever interpose—excuse me, withdraw that. Did you yourself, Mr. Saden, ever inject yourself into reducing the number of town lines which were cut in the development of the House plan? A. Well, to the extent that I had told Mr. Collins and Mr. Orcutt that I wanted to try to keep that at a minimum I did interpose myself, at a reasonable minimum, but you're trying to create basically a fair plan and you've got to [32] create in the first element of fairness the one man, one vote theory. The other things are attached on to it but I think

just to maintain the town lines and develop an unfair plan would certainly be undesirable.

Q. What do you mean by fairness in this case? A. Fairness is a plan that will meet the one man, one vote test and will reflect the vote on the Senate and House lines in the elections in this relatively same percentage proportion, both in control of those Houses as they reflect the plurality of the vote on the total Senate and House lines in the State and not the great disparities that you have under the reapportionment plan for which incidentally Mr. Parskey was largely responsible back in 1964 when—

Q. You answered. You don't have to—all right. A. Well, if you want I know a little of that history and that's why I'm telling you.

Q. I don't think I asked you that question, however, on what he did in 1964. That's not my question. A. I know you wouldn't want to get into that probably but go ahead, Bob.

Q. Did you ever tell Mr. Parskey once in the course of your deliberations with him that as long as you were required to cut some town lines in the creation of districts for the House of Representatives [33] it didn't make any difference how many town lines were cut? A. No, I never told him that.

Q. Were you concerned with the number of segments of towns apart from the number of town lines which were cut which were added to other towns to form districts? A. Yes, I wanted to—I didn't want to break up into any more segments than were necessary, reasonably necessary, any given town if it could be done. I realized in some cases you had to do it.

Q. How many town lines did you cut in the House plan? A. I think if my recollection is correct there were about forty-seven on the House plan, I think it is, it's maybe one or two more one way or the other.

Q. And how many segments of towns, and by segment I mean a portion of a town, was added to another town in the forming of Assembly districts? A. I don't have that

figure offhand in mind. I recall we did prepare something that indicated whether a town was split once or twice, but I don't remember what the figures are on it. It didn't impress me as being overwhelmingly out of whack.

Q. Well— A. At the time.

Q. Would you feel it was out of whack if I told you that there was seventy-eight segments of towns which were [34] added to other towns in the forming of Assembly districts? A. Well, I don't know that as a correct figure. I'd want to check the figures to be sure before I express any opinion on it.

Q. Did you make any—at the time that you were creating this plan and at the time you approved it had you made any analysis of the number of town lines that were cut in the forming of Assembly districts. A. I remember I did check the number of town lines in both houses. I remember we had, I think it was either twenty-three to twenty-five in the Senate and something around forty-seven in the House.

Q. And did you add up the number of segments of towns? A. Well, how do you—

Q. All right, let me define segments. A. How do you define segments?

Q. That's a fair statement. Let me define my terms before I ask a question. A. If you can take a piece of a town and put it in with another town and thereby maybe you call that two segments or is it one split town? I don't know how you—it's a little bit peculiar trying to work out.

Q. All right, let me try to define it because you have a right to be uncertain as to what I did mean. I define a segment to be a portion of a town which is added [35] to another town in the forming of an Assembly district. Now a town line is cut obviously when a segment is created but a town line—maybe a single town may have more than one portion of it segmented by a portion of it being added to a portion of another town in the creation of the Assembly district. A. I'm not sure whether I followed you all the way on that.

Mr. McCarthy: I lost you on the second turn.

By Mr. Satter:

Q. Let me start all over again. Town A has a portion of it which is added to Town B to form an Assembly district. That is the cutting of the town line of Town A. Okay. Is that clear? A. Yes.

Q. All right. Now if that same Town A has another portion of it which is added to Town C to form another Assembly district that is another segment of Town A and although the town line of A has been cut it has been cut on two occations to form Assembly districts. That's what I mean by segments which exceed the cutting of town lines. Is that clear? A. I think I follow you on that.

Q. Okay. Now did you make a calculation of not only the number of town lines which were cut but also the number of segments of towns which were added to other towns [36] to form Assembly districts. A. Yes, I remember having a schedule of that nature. I think I referred to it as whether a town was cut once or twice. I don't remember what the totals came to now as I sit here but they didn't seem to me unreasonable at the time.

Q. Do you know what the percentage deviation from the mean was of all of the districts for the House of Representatives? A. Well, my recollection is that the average deviation in that House was less than two percent as it finally worked out and that the maximum deviation above the norm and below the norm was less than four percent above and less than four percent below, something like three point eight or three point nine above and about the same amount below. In terms of numbers I think it ran something like seven hundred and seventy-five population maximum or minimum, somewhere in that range.

Q. Are you familiar with the fact that if you raise the percentage deviation above the plus or minus four percent that you could reduce the number of towns which were—town lines which were cut and the number of segments of towns, segmenting of towns? Are you familiar with that

elemental fact? A. Do you mean if you increased the deviations [37] that you would have fewer town lines cut?

Q. Yes. A. I'm not sure that that is correct but if it were—

Q. Well, I'm just asking you whether you are familiar with that elemental fact. A. With that elemental fact?

Q. Yes. A. You're giving it to me as a fact and I don't know it to be a fact. That's the whole point. My only comment I can make on that, Mr. Satter, is that it seems to me that would be flying in the face of the one man, one vote principle if you tried to increase deviations. I thought that the primary and essential factor behind the whole reapportionment scheme is to keep the deviations as low as reasonably possible.

Q. But were you aware of the fact that if you had increased the deviations you could have reduced the number of town lines which were cut and the number of segments of towns? A. I can't say that I was aware that we would essentially improve the situation if we increased deviations to any substantial extent or any extent above what we had them.

Q. Did you make any attempt to experiment with a larger percentage deviation resulting in a fewer number of town lines cut and fewer segmenting of towns? [38] A. I personally did not. I am not sure whether—I know I discussed the proposition very generally with my volunteer two man staff but the conclusion that I got was, that I had in my own mind was it wasn't going to do a great deal of good and there were time limitations involved. In trying to test all the large number of plans you could probably evolve if you wanted to sit down and try to evolve plans you could evolve probably hundreds of them but trying to do them all and to take into consideration factors that we were concerned with I don't see how you could do it.

Q. Did you instruct your volunteer assistants to increase the deviation and to reduce the number of town lines cut and segmenting of towns? A. I never instructed them to

increase the deviations. My objective was the opposite of that.

Q. Do you have any opinion as to how many town lines would have to be cut if, for example, the deviation instead of being plus or minus four percent were plus or minus five percent. A. I couldn't tell you offhand.

Q. Did you make any analysis of the basic data in order to determine that fact? A. I recall just discussing it but we didn't make—I at least didn't make any specific analysis along those [39] lines because I felt that the plan that we had met all of the requirements.

Q. Now are you familiar— A. I might point out also that apparently it was satisfactory to Mr. Parskey except as he indicated to me, as I told you for one or two small changes if we had been able to agree on the Senate plan.

Q. Now on the board plan are you aware of the fact, for example, that the Town of Killingly, the town line of Killingly was cut?

Mr. McCarthy: If you remember.

By the Deponent:

A. I don't remember. I'd have to see a map to tell you.

Q. Would you be willing to accept this as a fair representation of the board plan as to—excuse me—

Mr. Hultgren: You are saying that it is, Bob, I take it?

Mr. Satter: Yes, I'm stating it is.

Mr. Hultgren: All right.

By Mr. Satter:

Q. But what I am about to show you which I think I will put in as an exhibit is a fair representation of district, House district, Assembly district 51 and 50 indicating that the Town of Killingly is cut? [40] A. Did you draw this or did Tom draw it?

Q. Tom drew it. A. Well, I have no independent recollection at the moment but if you tell me that's the way our plan works out all I can tell you is it's cut.

Q. Well, let me get at the plan itself in order for you not to—I show you in the plan itself which we will introduce a copy of this but will you agree that what I am showing you is the board plan. A. This was photostated from the copy filed in the Secretary of State's office, was it?

Q. Yes. A. Yes, it looks like it. I can remember a couple of hand changes we had to make at the last moment on a number of maps and some of these references here. This looks like it.

Q. All right. Now I show you in the plan itself the description of House district, Assembly district No. 50 and No. 51 and call your attention to the reference to a portion of the Town of Killingly in Assembly district No. 50 and Assembly district No. 51. Do you see those? A. Yes.

Q. Would that refresh your recollection that the Town of Killingly was cut? A. Yes, there is no question it was cut.

[41] Q. Now was any attempt made to avoid cutting the Town of Killingly by redesigning House districts No. 50, 51 and 52? A. I don't recall any specific effort as far as Killingly was concerned in that direction.

Mr. Satter: I show you. Excuse me, let me submit this.

(Map of Killingly introduced as "Plaintiff's Exhibit A for Identification".)

By Mr. Satter:

Q. I'd like to show you then, Mr. Saden, an alternative to districts 50 and 51 and 52 involving the same geographic area and keeping the population deviation of these districts within the same perimeters of less than three point nine three percent and ask you whether or not this would not have been a feasible way to have assigned these districts in order to avoid the cutting of the Town of Killingly. I point out to you, Mr. Saden, that the changes between the board plan and this alternative district would be in district No. 50 to have not cut the Town of Killingly and to have in the alternative you would not cut the Town of Killingly, you would take off the towns of Ashford and Chaplin and add

them to Assembly district No. 52 and you would add to Assembly district No. 51 the Town of Woodstock, and I wondered whether you [42] would have considered such a change in exactly the same geographic area of the State so as to avoid the cutting of the Town of Killingly. A. Whether I considered such a geographic change?

Q. Yes. A. I don't have any specific recollection of having considered such a geographical change. I think that as I tried to point out to you before there are a number of secondary factors and third factors, if you want to call them that, that I think need to be considered. I don't know how this kind of a change would reflect upon the over-all fairness of the plan that I was trying to propose in terms of what I mentioned before, in terms of being a part of the whole picture reflecting the vote on the House line in the elections of the last—the last three elections, '66, '68 and '70. I don't think you can just consider these individual changes abstractly without putting the whole picture together. I don't have—my answer to that is that I don't recall specifically having considered that specific breakdown.

(Off the record discussion.)

Mr. Satter: I would suggest that you make that Plaintiff's Exhibit A-1 because I want to relate it to Plaintiff's Exhibit A for Identification. I assume nobody has [43] any objection to that.

(Alternative to the first plan marked "Plaintiff's Exhibit A-1 for Identification.")

By Mr. Satter:

Q. Mr. Saden, if you accept my representation to you that the population of each of the Assembly districts 50, 51 and 52 would remain within the same deviation as provided for in your plan what other factor would preclude you from correcting the plan so as to eliminate the cutting of the Town of Killingly? A. Well, as I mentioned to you before the plan that I submitted to Mr. Parskey, who was

presumably representing the democratic party position, seemed to be satisfactory to him except for one or two changes which he never specified beyond the Ruby Cohen district; and secondly I think that you cannot look at these plans piecemeal without taking into consideration as a third factor the over-all political composition of a plan. The present reapportionment plan, or the one in existence prior to this one, is competely lopsided for that very reason, when you get the kind of representation in both Houses that you have had in '66 and '68 and '70 which are way out of whack compared to the actual plurality of vote in favor of the party in control in those three elections; this is a factor toward the development of a [44] fair plan. It is a corollary to the idea of the one man, one vote theory. The effectiveness of any man's vote who votes for the minority in an election is diminished if he is being swamped in representation in the House or the Senate because of some arrangement of districts that don't give him a voice or the proportionately equal voice that he should have. It's conceivable, for example, that you could have—take an extreme situation where every district in the State is won by one vote by one party or the other, and in that event there would be no representation for the very substantial minority number of electors who voted in that election. You would have a complete sweep of representation. Now that to me is effectively defeating the one man, one voice theory, is a largely disproportionate population arrangement.

Q. In other words is it fair to say then that in your development of these districts as it would be illustrated by Plaintiff's Exhibit A and B—

Mr. Beizer: You mean A and A-1.

By Mr. Satter:

Q. A and A-1, excuse me, where I have shown to you, where Plaintiff's Exhibit A which is the board plan shows the cutting of the Town of Killingly, Plaintiff's Exhibit B-1 shows to you a rearrangement of Assembly districts 50, 51 and 52 to eliminate the cutting of the [45] Town of Killingly but still keeping these districts within the same popu-

lation deviation of approximately three point nine percent, that nevertheless another factor that you considered in creating these districts was the achievement of a fair representation based upon party vote. A. Based upon the vote in the election, yes, it would be a factor to be considered. These are all matters—I might add these are all matters of judgment and estimate and I had no way of making any hard and fast rule. I hope my judgment on these things was correct but in terms of what the ultimate political impact will be in the next election there is no way that I can see of anyone's positively saying that if you cut it that way that district is going to vote that way.

Q. I understand that. A. These are matters of pure estimate.

Q. I show you another section of the State relating to Assembly district 68 and 69 in which the the Town of Watertown is cut and I ask you to look at the plan to verify the fact that in fact the Town of Watertown is cut in those two districts. A. What, 68 and 69?

Q. Yes. A. Yes.

Q. Do you observe in the plan that in fact the Town [46] of Watertown was cut? A. Yes.

Mr. Satter: I would like to then submit this map of Watertown.

(Map of Watertown marked "Plaintiff's Exhibit B for Identification.")

By Mr. Satter:

Q. I show you then an alternative to those districts 68 and 69 affecting also 67 and 64, again covering precisely the same area of the State in which the Town of Watertown is now not cut but contained wholly within the 68 Assembly district, but there is added to that Assembly district the Towns of Warren in place of the section of Watertown, and in Assembly district 69 in place of a section of Watertown there is added the Town of Roxbury—withdraw that. I show you an alternative plan affecting Assembly districts

68, 69, 67 and 64, which eliminates the cut in the Town of Watertown by, in Assembly district 68 taking the whole Town of Watertown and eliminating Woodbury, 69 having no portion of the Town of Waterbury but including picking up Roxbury in 67 and Woodbury, and 67 picks up the Town of Warren, and 64 and 64 Assembly district—Assembly district 64 contains the Town of Warren. Now here is an illustration of again covering the same portion of the State in which by keeping within [47] the same percentage deviation the Town of Watertown has avoided the cut and ask you whether or not that was not considered by you first? A. It was never presented to me even by your associate here, Tom, who was working on these papers all last summer, and I have no specific recollection of ever having considered and I would give you the same answer that I gave you on the previous situation that I mentioned with Killingly.

Q. Which is the factors to be considered were not only the equality of population and not only the cutting of town lines but also the fact of election results, is that correct? A. Of getting a fair plan.

Q. Of getting a fair plan which reflected election results? A. Which took into consideration election results, not solely keyed to them but took them into consideration.

Q. But where, Mr. Saden, an alternative is presented of eliminating a cut of a town line and where there is presented a population deviation within the percentage deviation of the plan then doesn't the only factor that justifies the town cut become the achievement of this so-called fair representation based upon election results? [48] A. I think that that is probably so, that it's far more important to have a fair plan than to preserve a town line, speaking in federal terms.

Mr. Satter: Would you put that in? I'd like to have this in, the alternative.

(Alternative to Watertown plan marked "Plaintiff's Exhibit B-1 for Identification.")

By Mr. Satter:

Q. Mr. Saden, I show you a map of the board plan which related to Assembly district 37 which is in the Colchester area—excuse me, I'm sorry—Assembly district 37 which is in the Salem-Montville area, 48 which is in the Colchester area and 45 which is in the Griswold area, and I ask you to look at this map which I will put into exhibit and also look at the plan itself and observe that with respect to the Town of Montville it is cut twice or segmented twice in the forming of Assembly districts—excuse me, segmented three times in the forming of Assembly districts. Let me relate this to you by showing you the sections of the plan to refresh your recollection. A. Well, that isn't the way we defined segmentations before, was it? You said—I remember your illustration of Town A and Town B. If you took one piece and added it to another town that would be one segment. If you took [49] another piece and added it to Town B there would be another segment.

Q. If you take another section and add it to Town C you would see a third section. A. You never said that before. The main part of the town is still in it, a unit by itself. If you want to call it that you can call it anything you want.

Q. Well, there isn't—Montville itself—no Assembly district in the Town of Montville is contained wholly within the Town of Montville, is it? A. No, no Assembly district in and of itself is contained—Montville is not contained wholly within any Assembly district.

Q. Then I would consider that segmentation within our definition. Now I want you first to confirm the fact that the Town of Montville is segmented into three different Assembly districts. I call your attention first to Assembly district 37 which related to a portion of the Town of Montville, to 45 which again related to a portion of the Town of Montville, and to 48 which again relates to a portion of the Town of Montville. A. I think this, if I recall—

Q. Is that—first, are our facts correct, that the Town of Montville is divided and forms a portion of three different

Assembly districts? [50] A. Yes, on the basis of the plan I think—

Q. Do you want to refresh your recollection? Look at the plan itself. A. Yes. Well, you just went over it with me. Let me just check that again to be sure.

Q. All right. A. Yes.

(Map of Montville marked "Plaintiff's Exhibit C for Identification.")

By Mr. Satter:

Q. Now did you, Mr. Saden, consider at least attempting to reducing the segmenting of the Town of Montville from three segments to two segments by changing Assembly district 37 to include the Towns of Colchester, Salem and East Lyme, and Assembly district 48 to include the Towns of Lebanon, Bozrah and Montville as a way of reducing the segmenting of the Town of Montville. A. I have no specific recollection of having attempted to make this exact change that you present to me now.

Q. But would your answer essentially be the same as it was with respect to the immediate previous Assembly districts that I have referred to? A. I have said to you before that I don't think you can simply take these things in isolation and not [51] consider all of the factors involved. I don't, for example, know what political factors you're taking into consideration, Mr. Satter, in forming these districts, whether you are or not, but essentially my answer is basically what I have told you my whole purpose was in the drafting of the plan in the first place.

Q. And, Mr. Saden, if I were to tell you that I have no political considerations other than that of retaining the same population deviation as in the plan and simply reducing the segmenting of towns as required by the State constitution. A. If you were to tell me what?

Q. If I were to tell you that would affect your concern about my submission to you of the alternative? A. I'm

afraid I wouldn't be able to accept it, Mr. Satter, because you have been very deeply involved in this from a partisan point of view from the beginning, as you know, and I wouldn't be able to accept that without checking it out to my own satisfaction.

(Alternative map of Montville marked Plaintiff's Exhibit C-1 for Identification.)

Mr. Satter: Maybe we ought to mark this right off as Plaintiff's Exhibit D and D-1.

(Two more maps marked "Plaintiff's Exhibits D and D-1 for Identification" respectively.)

[52] By Mr. Satter.

Q. Mr. Saden, I show you Plaintiff's Exhibit D and D-1 which is a colored map of the sections of the Town of—well, it's a colored map of the House districts of the Town of North Haven and of Hamden, and ask whether you can recognize that the Town of North Haven is cut virtually in half to form Assembly district 87 and part of 88, and observe that the Town of North Haven—excuse me, and observe that Assembly district 87 takes in a portion of the Town of Hamden and the Assembly district 88 takes in a portion of the town also of North Haven and of Hamden. A. Well, I'm a little confused by this map. I'm not too familiar with it. What do you call—where is Hamden? Where is North Haven?

Q. This is Hamden, this portion. A. You mean D-1 is Hamden?

Q. D-1 is Hamden, D is the entire Town of North Haven. Assembly district 87 is this purple, Assembly district 88 is this red. A. Which is 88?

Q. The red here, this and this. A. These are two different colors of red you're talking about, is that right?

Q. That is right. [53] A. And these are two different colors of purple?

Q. Yes, but they are the same district. This is Assembly district 91.

Mr. McCarthy: Pointing to the yellow.

By Mr. Satter:

Q. All the yellow is 91 and the blue is Assembly district 89. Is that right?

Mr. Vocelli: Yes.

Mr. Satter: Which also includes the Town of Cheshire?

Mr. Vocelli: Part of it.

By Mr. Satter:

Q. Do you remember those districts? A. Well, I don't have any minute specific recollection of them. I don't understand. What is the crosshatched red here?

Mr. Vocelli: That outlines Senate portions. In other words, all the red is one district, all the purple is another district. That's just the Senate mish-mash.

The Deponent: And what is this blue crosshatch?

Mr. Vocelli: Again that's part of the Senate mish-mash, just shows which, this part is in one Senate district, this part in another [54] Senate district, so you can avoid the slanted lines for the discussion of the House.

The Deponent: Then what are we talking about? The red area?

Mr. Satter: Talking about the purple areas which is 87, the red area which is 89.

Mr. Vocelli: 88.

By Mr. Satter:

Q. The yellow area which is 91 and the blue area which 89. A. And you're talking about three Assembly districts then?

Q. Four Assembly district, one, two, three, four. A. Okay.

Q. Okay? A. All right.

Q. Now do you observe, Mr. Saden, that first that North Haven by the board plan is divided into two parts and each portion is added to the Town of Hamden to two almost equal portions each portion of which is added to the Town of Hamden? A. Which portions are you referring to? The red portions?

Q. Red is added to this district? [55] A. Yes.

Q. And the purple is added to District 87. This is the Town of Hamden. This is the Town of North Haven. A. On these maps I see that, yes.

Q. And you observe that in the Town of Hamden that the District 91 is shaped as it is shaped? A. Yes. I assume that these are accurate or reasonable accurate shapes. I don't have any personal knowledge of the exact shapings of this map but I assume that you have drawn them reasonably accurate.

Q. Now you observe then that the Town of North Haven has two segments, a portion of each segment in the Town of Hamden? A. Yes.

Q. And you observe that the Town of Hamden has one segment entirely within the Town of Hamden, one segment which is added to the Town of Cheshire, one Assembly district which is added to an Assembly district in North Haven and one Assembly district which is added to the Town of North Haven, correct? A. I think that's this crosshatch.

Q. Again the crosshatch ignore, Mr. Saden, because that related to Senatorial districts which are not relevant to this question. A. Well, this crosshatched section and the blue [56] is part of this.

Q. Is part of one district. A. All right.

Q. In other words, that there are now created in these two towns a total of six segments. The Town of North Haven is divided into two segments since no Assembly district is wholly within the Town of North Haven, isn't that correct? A. Yes, on these maps that's right.

Q. And that the Town of Hamden has a segment which is added to the Town of North Haven, a segment which is added to the Town of North Haven and a segment which is added to the Town of Cheshire and one segment wholly within the Town of Hamden, correct? Now what I ask you is did you consider or did your board first of all—withdraw the question. Did your board consider reducing the segmenting of these towns of North Haven and Hamden in order to achieve exactly the same population deviation and achieve the other objective of reducing segmentation. A. Well, I think the answer is essentially the same as I have given you before. We considered keeping the breaking of town lines within as reasonable limits as we could but where there were other considerations of fairness that overrode that I did not insist the town lines be maintained exact.

[57] Q. Did you consider, for example, a plan which would be an alternative to the board plan which would divide a district in North Haven wholly within the Town of North Haven, two districts wholly within the Town of Hamden, and one district in the Town of Hamden and North Haven and in that portion of the Town of Cheshire. A. No, I have no specific recollection of having considered that plan that you have shown me.

Q. Would you consider such a plan to be more desirable than the board plan? A. I can't say without considering all the overall factors, Mr. Satter.

Q. And if I told you that the factors that the alternatives—excuse me. I better introduce this.

(Alternative map marked "Plaintiff's Exhibit D-2.")

By Mr. Satter:

Q. If I told you that the alternative plan kept the same number districts within the same deviational limits as the board plan and reduced the cutting of town lines by retaining within the Town of Hamden two districts wholly within the town and reduced the number of towns segmented from

six to three would you consider that an important desirable alternative than the board plan?

Mr. Hultgren: I'll object to the form of [58] the question. I don't think that is according to the facts.

Mr. Satter: Well, you tell me where the facts differ.

Mr. Hultgren: Well, you still have North Haven divided into two portions, it still takes in part of Cheshire, and there may be one or two factors but this is not three, certain. It's one, two, three, four.

Mr. Satter: No, it isn't. This stays wholly within the town. You don't have a district which cuts a town line in 87. North Haven has a district wholly within the town line. Hamden, 88, which is a portion of North Haven, stays wholly within the Town of Hamden. 91 stays wholly within the Town of Hamden and 89 which is already in the Town of Cheshire, it's true, takes this. That's what I say—

Mr. Hultgren: Takes Hamden and also part of North Haven.

Mr. Satter: But one district, that's right, but that's different than the other one. Could you repeat that question?

(Whereupon, the last question was read by the Court Reporter.)

[59] By the Deponent: Not necessarily.

By Mr. Satter:

Q. Why? A. For the same reason I have given you before. That doesn't necessarily prove that this is the most desirable plan looked at from the point of view of the whole picture.

Q. Now, Mr. Saden, did you at all consider that the shape of these districts made any difference? A. Within certain limitations I think shape was some consideration but not a very important one.

Q. How about compactness? Was that a factor that you considered at all? A. We considered it but didn't

give it the same weight that I would give the deviation factor or the same weight that I would give the town line factor, the over-all fairness of the plan in terms of voting pattern.

Q. Do you consider that— A. I think in this day and age compactness has lost a lot of significance, especially in a small state like Connecticut, where in the old days if you had to go horse and buggy over a district it meant something probably but today the transportation being what it is compactness in and of itself doesn't seem to have the greatest virtue in the world.

* * * * * * * * * *

[60] can achieve it but if you can't I don't think it's world shaking.

Q. Did you consider the Assembly district No. 91 which is marked 91 on Plaintiff's Exhibit D-1 in the Town of Hamden, did you consider the shape of that district desirable? A. I think it's desirable. I think if you look at the shape of the district you suggest in your own plan, D-2, it's pretty odd looking. You have one district there that's pretty odd looking, isn't it?

Mr. Satter: Well, I think we will recess here.

(Recess at 4:37 P.M.)

(Deposition reconvened at 4:50 P.M.)

By Mr. Satter:

Q. Mr. Saden, I show you a map of the districts of the Town of West Hartford.

(Map of West Hartford marked "Plaintiff's Exhibit E for Identification.")

By Mr. Satter:

Q. Showing Assembly district 18, 19 and 20. Are you familiar with those districts? A. Do you mean I have a present specific recollection of the shapes of these districts? The answer is no.

Q. If we are able to establish that these are in [61] fact a true pictorial or reasonably accurate pictorial description of these districts will you at least accept the fact that they are an approximation of it? A. Yes, I will accept your representation that they are. This is one of the representations from you I will accept.

Q. Now, Mr. Saden, can you give me the explanation as to why Assembly district 19 is of the shape it is as shown on Plaintiff's Exhibit E? A. Well, it's part of the picture of putting together the pieces from the census map which as you know come in many odd shapes and I think this achieved a pretty good population mix on those three districts that are wholly within the town.

Q. And do you claim that based upon the census data that was then available to you that you could not make a more compact and rational shape to these districts? A. Well, when you start using the word compact, nobody has ever really given a real definition of that word and so your assumption of what is compact may be different from mine and I don't think for that reason that the question is fair.

Q. Well, can you explain why the Assembly district had to make these curlicues in the boundary line of Assembly district 19, for example, had to make all of the devious [62] cuts and curlicues that it appears to make?

Mr. McCarthy: Object to form. Devious represents a judgment.

Mr. Satter: Yes, I withdraw the question. Thank you, Mr. McCarthy.

Q. (By Mr. Satter) Can you explain why the boundary lines of Assembly district 19 had to take the number of different cuts and turns which it appears to take in this exhibit? A. Well, it fit into an over-all pattern of all the adjacent areas plus, as I say, the problem of putting together jigsaw pieces of the census maps themselves, the census data.

Q. And I show you an alternative to these Assembly districts 19, 20—excuse me—18, 19 and 20 and ask you whether—if you will accept the fact that these, this alternative, falls within the same population deviation, retains the Assembly districts within the same town, whether or not such an alternative would not be a more rational shape of these Assembly districts 18, 19 and 20? A. I am not going to accept any facts about the population or anything else. If you want to ask me whether this looks better on a piece of paper in terms of drawing lines I would have to say that it does look [63] better on a piece of paper, but there are so many other factors to be considered that are more important that this does not reflect.

Q. All right. What other factors went into its consideration? A. I have been all over this before. I have given you the answers.

Q. What other factors went into the consideration of the shape of Assembly district 19? A. I have given you as much of an answer as I can.

Q. Which is again what and briefly. A. The problems of putting together the jigsaw puzzle from the data of the census bureau, the problem of maintaining the population equality as reasonably as close as we could, the problem of creating an over-all fair plan which would not weight the plan for either political party as many of your suggestions I am afraid are seeking to do. All these factors went into the formation of the plan that I suggested and to try to take this piecemeal the way you are now isn't a fair way to approach it as I see it.

Q. And how much, Mr. Saden, did pure partisan politics, for example, go into the formation of the shape of Assembly district 19? A. Pure partisan politics did not enter into the [64] formation of district 19 or 18 or any of the other districts involved. We considered and I instructed Mr. Collins to consider the over-all picture in the whole Senate and the whole House and I told you before what my objec-

tives were. Now I can't give you anything more than that, Mr. Satter.

Q. Were you aware of the fact that—withdraw the question. A. I might add one thing, that there was a plan, as I mentioned before, that Mr. Parskey gave me, a so-called block plan on this House which he had not worked out, the districts had not worked out. This particular West Hartford district or any of them. Simply threw it in my lap and said, "Work it out any way that you want to work it out," and upon working it out we found that even in 1970 the Democrats would have had control in the House by a plurality of at least 21 or 22 people even though they lost the plurality vote in the House in 1970. Now that is not my conception of what a fair plan accomplishes because it deprives the minority group or the majority group in that instance, of the full force of the one man, one vote theory.

Q. And so is it fair to say, Mr. Saden, that the cuts and the curlicues in Assembly district 19, for example, were made in order to achieve where—excuse me—where [65] they could have been eliminated by straight lines and still keeping within the same population deviation, were done in order to achieve this fair representation which you have been talking about. A. They were in part. That was the reason, undoubtedly. I don't have a specific recollection of West Hartford as you show it to me today. I couldn't possibly recall every one of these towns on this map.

Q. Do you have data on the basis of which you can refresh your recollection? A. I would doubt it. I haven't been able to scrape up very much in the way of any papers that I had left over from last summer. I didn't have too many to begin with. I thought most of them were up here but I don't believe there are any more as far as I know. I don't know.

Q. Who in fact designed West Hartford? A. I beg your pardon?

Q. Who in fact designed the districts within West Hartford? A. Well, it would be Mr. Collins or with Mr. Orcutt's

assistance probably. I'm not sure which one of them. Both of them, perhaps.

Q. How closely did they work with the incumbent legislators in the designing of these districts? [66] A. I have no idea. I can't answer that at all as far as I know. I know nothing of that actually. You'd have to ask them. I don't even know who the incumbents are in West Hartford in the House.

Q. If I told you that Assembly district 19 was Lenge would that— A. Lenge?

Q. Yes. Would that refresh your recollection as to the considerations that went into the designing of that district? A. No, it wouldn't.

(Alternative map of West Hartford marked "Plaintiff's Exhibit E-1 for Identification.")

By Mr. Satter:

Q. I show you a map of the board plan for the districts in the Town of Manchester, Assembly District 13 in orange and 12 in yellow, and I will put this in as an exhibit and ask you how you can justify the shape of those two districts? A. I don't think there is any need to justify the shape of the districts, Mr. Satter.

Q. You don't feel it's necessary to justify a shape of a district which is virtually a doughnut with the middle cut out forming one district? A. Well, that's your description of it. I don't [67] think I need to add any more to the answer than what I have already told you about these previous districts you have been questioning about.

Mr. Satter: All right, I'd like to have this marked as an exhibit.

(Map of Manchester marked "Plaintiff's Exhibit F for Identification.")

By Mr. Satter:

Q. Again relating to Assembly districts 13 and 12 in the Town of Manchester I show you an alternative plan which

has exactly or virtually exactly the same population for each of these districts and ask you whether or not you don't believe that that is shaped more rationally than the board plan? A. No. It has its own peculiarities. They are different but they are still peculiar.

Q. Show me what you mean by peculiarities. Excuse me, let me mark this exhibit.

(Alternative plan for Manchester marked "Plaintiff's Exhibit F-1 for Identification.")

By Mr. Satter:

Q. All right. Show me what you deem to be the peculiarities of an alternative to Assembly district—the shape of Assembly district 12 and 13 on the alternative as shown—excuse me, let me finish it—show me the [68] peculiarities you observe in the boundaries of Assembly districts 12 and 13 as shown on Plaintiff's Exhibit F-1 as compared with the board boundaries as shown on Plaintiff's Exhibit F? A. Well, I said that it has its own peculiarities. They don't compare in the sense that the shapes of the districts are different and they both have their peculiarities. Yours does. 12 has a real jagged edge all around it. The top part of 13 has its own jagged edge. Now there are peculiarities on F but I didn't conceive that we were primarily concerned with drawing pretty pictures in forming a plan of reapportionment.

Q. And in making the kinds of shapes which you made in Assembly districts 12 and 13 the partisan considerations of achieving this fair representation I presume dominated? A. No, it did not dominate and it is your use of the language that makes it obvious, Mr. Satter, that the answer to that question is no. I have told you what I have considered in the formation of the entire plan and that is true of everything, the parts as well as the whole.

Q. Mr. Saden, I show you a map of the board, Senate district 9, and particularly ask you to observe the location of

the Town of Farmington in that district. A. Yes, I observe it.

Mr. Satter: Do you have any—let me [69] mark it first.

(Map of Farmington marked "Plaintiff's Exhibit G for Identification.")

By Mr. Satter:

Q. Do you observe that in the board plan Senate district nine goes from Berlin, portions of the Town of Rocky Hill, Wethersfield, Newington, and the Town of Farmington? A. Yes.

Q. Do you know how many people actually live in that—excuse me, withdraw the question. Do you know what the land area is, the connecting boundary line between Newington and Farmington, do you know what the length of that line is? A. I don't know the length of it but it's obviously not very large.

Q. Did you ever inquire? A. No. As a matter of fact, I recall that this district is very similar to the one that you drew in the so-called Commission Senate plan that was supposedly about to be agreed upon but they never did get it agreed upon but I think it's almost identical and it ties in either all or part of Farmington with the same land bridge that you have there. A. I will ask you again the question. Do you know [70]what the length of that line is? A. I don't know. It's small.

Q. Would you say it's less than a thousand feet? A. I don't know. I didn't go out and measure it, Mr. Satter.

Q. Did it concern you that there would be that strained contiguity in that district? A. That what?

Q. That there would be such a strained contiguity in that district. A. That's your description of it. I don't think it's a vital factor, no.

Q. Do you know whether or not any people live in this particular area connecting the Town of Newington with the Town of Farmington? A. No, I don't, offhand.

Q. Was it in the intent in making the shape of that district, Senate district 9—excuse me. Withdraw the question. Was it the intent of making Senate district 9 that shape in order to assure that it shall be a Republican district? A. No, it wasn't the primary intent to assure that it would be a Republican district. It was part of the larger picture and it fitted into that larger picture.

Q. And the larger picture was what? [71] A. The achieving of a Senate plan that would respond to the kind of vote in the State on the Senate level in a given year in some proportion to the pluralities that occurred in those votes. That was one of the factors.

Q. I show you a map of the board's Senate districts 29 and 35. Do you recognize that district, those districts? A. Well, roughly I recognize it generally, I'd say, yes, I recognize that. The specific details of it escape me.

Q. What was the primary consideration for taking the Town of Mansfield, a portion of the Town of Mansfield out of the 35th district and putting it into the 29th district? A. Well, one of the reasons was to have, as I say, the over-all factor here was the population factor, but we also wanted to try to maintain some kind of reasonable balance which would require districts that were not overwhelmingly either democratic or republican in some areas of the State judged by the election results of the last three elections for the General Assembly.

Q. Wasn't the primary consideration to take that portion, excuse me, the portion of Mansfield that was taken out of the 35th and put into the 29th is the Town of Storrs, is it not, the northwest corner of the town, [72] portion of the Town of Mansfield. A. Well, Mansfield includes Storrs, I believe, doesn't it?

Q. Yes, and the portion of Mansfield that was put into the 29th district included the section of Mansfield known as Storrs? A. Part of it, yes, that is correct.

Q. And was it your calculation that the Town of Storrs was primarily a democratic area. A. Based on the elec-

tions of the General Assembly probably that would be a considered estimate I would make of it, yes.

Q. And wasn't it the purpose of this, of including, of segmenting the Town of Mansfield and putting it into the 29th district in order to make the 29th district a completely safe democratic district and overpopulating it with democrats in order to make the 35th district have a good chance of going republican? A. No, that wasn't the purpose of it.

Q. Well, would you not have a more rational shape of that district if you had included Mansfield within the 35th district then and prevented the jutting up of the 29th district like a finger into the 35th? A. I don't accept that definition of rational [73] as being true.

Mr. Satter: Well, I'd like to put that in.

(Alternate plan of Mansfield introduced into evidence and marked "Plaintiff's Exhibit H-1 for Identification.")

By Mr. Satter:

Q. Looking at the shape of the 29th in the alternative which is H-1 and the board plan, would you not accept the fact that the 29th is in that alternative Plaintiff's Exhibit H-1 for Identificatio[n] a more compact district than the board plan? A. I th[ink] the whole question revolves around your definition of co[m]pact, Mr. Satter, and there are courts and individuals that have a multitude of different opinions about compactness s[o] I cannot agree with you that your assumption that one plan here, one suggestion here is more compact than the oth[er] is correct. And I add to that what I said before that co[m]pactness today in a small State like Connecticut is where transportation is so easy, communication is so easy, is and [o]ther factor that would enter into a picture and was one.

Q. And it was on[e] of the factors which led you to dissect the Town of Mansfield? A. What was one of the factors?

Q. I say and was one of the factors which led [74] you to dissect the Tow[n] of Mansfield that of achieving this so-called fair repre[sen]tation and the balance of partisan

political vote? A. Well, if you delete the word partisan I might be able to answer that question. I think one of the factors, one of the overriding factors in the whole plan, and this required a consideration of the different parts of the State to give some thought to a plan that wasn't overproportioned in favor of one party against the other when the vote didn't warrant it.

Q. And how have you analyzed the results of your board Senate plan in terms of a reasonable breakdown of the two party representation? A. The board Senate plan based on the results in '66 would have resulted in a victory for the democrats in the Senate not by a 25 to 11 margin as they won it in '66 but by something closer to 20 to 16 which would be more appropriate with, I think they had a plurality of something like fifty-four percent, in that range of the vote, instead of getting seventy percent representation in the Senate.

In '68 my recollection there of the Senate was 24 to 12 for the democrats and this plan would have gone democratic in the Senate again in '68 but not by a sixty-six and two-thirds percentage against approximately a fifty-two percent plurality of the vote. And in 1970 this plan would have gone republican as I estimate it by a small number for the republicans. There are other outside factors but you can't—it's difficult to evaluate—that will reflect itself in the future but I think you've got to keep in mind that 1970 was a year in which a republican governor was elected for the first time in sixteen years in this State. The democrats have dominated the political scene for the past sixteen years so that 1970 isn't really a typical year in any sense of the word.

You've got the other factor of what impact the eighteen year old vote will have in the future which is not reflected in the last three elections of the General Assembly. There are all indications as of the present time that seem to show that the registration, at least democratic registration is exceeding the republican something like two to one or three to one and—

Mr. Satter: I could go on but I don't think it will serve any purpose just to have you repeat on each of these districts essentially the same basic position which you essentially have taken so I would terminate my inquires.

Mr. Hultgren: I have no questions.

[76] Mr. McCarthy: No questions.

Mr. Lapp: No questions.

Examination

By Mr. Beizer:

Q. I have questions, sorry, you'll have to bear with me. I'll try to move this as rapidly as I can. Mr. Saden, to go back, and we are going to in part cover some of the material that's already been covered perhaps in a slightly different light. In terms of your giving directions to Mr. Collins and Mr. Orcutt what decision was made first in terms of how you were going to redistrict for the Senate? I am referring now to the various considerations, the population, the shape of the districts, and so forth? A. Well, I told them the Senate was going to be 36 seat and that required a population as I recall it of something like eighty-four thousand two hundred and twenty-eight, somewhere close to that figure per seat. Does that answer your question?

Q. Yes, it does. And for the house was the first decision made as to the number of seats? A. Well, we had to decide on the number of seats or I had to make that decision in order to draw what I considered a plan that I was going to recommend and the figure of a hundred and fifty-one seats was one that had been broadly considered as I got the reports during last [77] spring by both sides as a reasonably reasonable number, so because it struck me as being one of that nature because it reduced the existing House from a hundred seventy-seven to a hundred fifty-one which knocked off twenty-six, and at the same time it didn't go all the way down to the bare minimum of a hundred and twenty-five allowed under the State constitution or required under the State constitution.

Q. And after you had arrived at a preliminary plan to submit to Mr. Thim and to Mr. Parskey did you at any time reconsider the size of the House in terms of number of seats? A. No, not after I reached a determination in my own mind that a hundred fifty-one was a reasonable figure. I didn't go into considering every conceivable number that you could pick. It would be a prodigious undertaking to try to do it without staff and you want to remember that I had two part time volunteers and myself and one other man who was doing some of the mathematical checking.

Q. In light of the fact that there was a fair degree of segmenting or the cutting across as well as in light of the fact that there were some shapes which were less than perfectly rectangular did you consider any alteration in the size of the House after viewing [78] the plan? A. We did make a few alterations but they were primarily related to population in an attempt to reduce deviations a little bit more, not of any great consequence but to some extent. I am not assuming that your characterization of the number of segments or in the number of town lines that are broken in the House is unreasonable or beyond the scope of propriety in this situation.

Q. I'll try not to characterize it as either reasonable or unreasonable. I am simply asking whether after viewing the data and the maps you gave any consideration at all to minimizing either the amount of segmenting or the particular shape of the districts by either increasing or decreasing the total number of districts to be formed. A. This was part of the consideration in the formation of the maps themselves. In some instances it had to yield to more important factors.

Q. Were computers used at all in the processing of this plan? A. No, I made no use of computers.

Q. Simply a mathematical operation carried on by Messrs. Collins and Orcutt? A. Well, under my supervision. I might point out [79] that as I interpret the State constitution if the intention was to use a computer it would be sort of foolish to provide for a board of three men. It

would have been much simpler just to pick a computer and say in the constitution that's the way you're going to do it. I think it was intended to pick a representative of each party who in turn were to pick a third elector and the three of them were to exercise their judgment in trying to put together something in the nature of a fair plan for both houses.

Q. In redistricting the Senate was there any particular starting point to which you gave directions to your aides? A. To what?

Q. Was there a starting point, was there a geographical area in Connecticut where you decided to start by shaping a district of a certain sized population? A. No. It didn't make too much difference where you started. I left that starting point pretty much to the convenience of the two volunteers.

Q. The same thing was true with the House. A. Yes, basically the same thing there. The ultimate result was the important thing. The starting point wasn't that important.

Q. You say that the only basis for you to make a determination as to whether the districts were fair looked [80] at over all in terms of how they might predictably vote in a given election were the election statistics for three years, '66, '68 and '70? A. Yes. Those are the only three years that I used and for which I had any statistics that were reasonably manageable in checking it against this plan. You see, you go back to beyond, you go back, too far back, you're out of modern times practically so that you go back to recent history, not ancient history.

Q. And did you in fact plug in the election results for all three years, '66, '68 and '70 into each and every newly created Senate district and House district? A. I did as far as you could. You want to remember that I used that as a check, but you want to remember that where you had a split town you couldn't get accurate election results because they wouldn't—I didn't have the votes of the split sections. There wasn't a breakdown within the town of those split areas because the areas you want to remember are all

census areas, they are not voting areas within the town. If you had the whole town you'd have no problem but once you split a town you just had to arbitrarily take a percentage of the plurality and assign it to one town or the other depending upon the amount of population that was going into a given district, if you follow me.

[81] Q. I do. Could you explain with more particularity the particular voting statistics that you used for 1966, '68 and '70? A. Well, I thought I made that pretty clear. I used the Senate line and the House line, the actual vote in the State of Connecticut.

Q. Vote for the candidates for the Senate and the House in the State of Connecticut? A. Yes, yes. I don't think that—it seemed to me that using the Senate line in trying to check out the Senate plan and the House line in checking out the House line was the fairest way to do it. Taking the governor's line against the General Assembly you get a different kind of result, probably.

Q. What directions if any or what instructions if any did you give to Mr. Collins or Mr. Orcutt insofar as adding a segment of another town to a district in which the predominance of the population was found—let me be more specific. In taking the Senatorial district of which West Hartford comprises the predominant part what directions if any did you give to Mr. Collins or to Mr. Orcutt as to what portions of what other towns to add? A. Well, within the framework of the over-all instructions we wanted to try to keep to a reasonable minimum the cutting of town lines in the House and the [82] segmentation within reasonable limits. Now that doesn't exclude segmentation and it doesn't exclude cutting town lines and I think that the over-all ultimate result that we got was a reasonable one.

Q. In deciding to add a portion of another town or a segmen of another town did you in each case look to the election results for those contiguous towns to determine which segment you were going to add? A. I gave consideration to that factor as a factor in testing the whole area and in

trying to reach an overall fair plan. I mean, you can't just take these things piecemeal and say, "Well, forget everything else and just take this one little district here and is that a good fair district the way it is drawn?" This is the essence, I think, of the line of questioning that I have been getting from Mr. Satter. I don't think that that really hits the objective that at least I had in trying to formulate the plan.

Q. Now during the period beginning when you first became interested in and started working on the redistricting plan up until I believe it was September 30th when that plan was signed and submitted did you contact various persons other than Mr. Collins and Mr. Orcutt and solicit their advice or their opinion relative to the districts that you were forming? [83] A. No, I didn't. I talked to, as I indicated to you, I talked to Mr. Gaffney on several occasions but not with specific reference to any particular problem that was connected with the plan.

Q. Quite aside from any problem with the plan did you directly or indirectly through an agent of yours obtain the advice or the opinion of any political officeholders in any of the towns or in any of the districts that you were in, any of the districts of the State of Connecticut that were being reapportioned? A. Did I obtain their opinion and advice?

Q. Directly or indirectly. A. No, I didn't. I wasn't looking for their advice. I did talk to some members of both parties, I have already described that, but I wasn't looking for any advice from them. I didn't seclude myself or segregate myself from anybody just because I was working on this plan but I didn't seek anybody's advice in the sense that you're asking the question.

Q. Let me be very specific. Did Mr. Odegard from Manchester make any suggestions or give you any communications as to the plan insofar as it affected Manchester? A. No, he didn't give me any advice as to Manchester or any other town in the district.

[84] Q. Or did he communicate with you directly or indirectly? A. No, not that I recall. I never—I talked to him

long after the plan was already in, after September 30th. I have talked to him a few times since then but he didn't sit down and formulate that plan with me nor did he to my knowledge formulate it with Collins either.

Q. Did he give any input whatsoever? A. Not to me.

Q. To anyone that you— A. Not to Collins either as far as I know.

Q. What about Mr. Rome from Bloomfield? A. No, Mr. Rome had nothing to do with it, the drafting of his district.

Q. Mr. Eddy for Newington? A. No, Mr. Eddy as a matter of fact was I think rather unhappy about the fact that this whole plan was being redrawn.

Q. Lucy Hammer from Branford? A. No.

Q. John Zajac from Meriden? A. Your question would be better directed to the so-called agreed plan that attempted to retain all the Senatorial incumbents but the plan would never—that was the one that both sides were supposed to have agreed upon [85] last spring. Now in that case every incumbent was supposedly taken care of by the plan. Actually it wasn't true because it was quite obvious the plan was heavily weighted in favor of the democrats but what they were trying to accomplish is the type of thing that you are asking about now.

Q. What you are really saying, Mr. Saden, is that there was a predecessor to the plan, which predecessor had the inputs of the various senators in those specific districts that were being affected? A. I would say that's a fair characterization of it. It had the input of a lot of senators if not all of them but it had nothing to do with the plan that I suggested.

Q. And in fact didn't you use portions of that plan in formulating your plan? A. No, I don't think so. I started from scratch. That plan was completely unfair in my opinion.

Q. Did you consider portions of that plan for inclusion in your plan? A. I don't know whether there is any coincidence or districts or not but I'll tell you frankly it was not considered as far as I was concerned. If the districts came

out the same or somewhat similar to that plan it's purely by coincidence, not by design.

Q. Was one of your instructions to Mr. Collins to totally disregard that prior plan? [86] A. Yes. We started from scratch on our Senate plan.

Q. And I need not go down the list of Senators, either democratic or republican to ask the same question. In each case the answer would be no, that there was no advice either solicited nor in fact voluntarily given by any of these incumbents? A. Well, I told you I talked to several men who did talk to me about the plan and about their own specific situation on both sides of the political fence, not very many of them. I can't recall, I mentioned a couple of names. I don't remember any others but as far as getting their advice or being influenced to do exactly what they might have wanted to have done that is not so.

Q. I believe you mentioned specifically Gaffney and Carazello. A. Gaffney had no input at all on his own seat. He is in the House of Representatives as you know and he had no input at all on his own seat. As a matter of fact if I recall correctly I think he would probably—his district would probably lose, he would probably lose that district if he ran again in it.

Q. Are you then telling me that with the exception of perhaps Mr. Carazello there was no input directly or indirectly by any of the incumbents into the plan that you drew? [87] A. You're using the word input, Mr. Beizer. If you mean somebody came to me and said, "This is the way you're going to have to draw this plan," the answer to the question is no.

Q. No. Again let me— A. That's the connotation I get from it and I want to make it clear no one was telling me how to make that plan.

Q. I understand that. All I'm asking, all I'm asking is whether there were suggestions made? A. And that included Mr. Gaffney.

Q. All I'm asking is whether there were suggestions made which suggestions you might have totally disregarded or not

disregarded at all as the case may be. Were there discussions made by persons who were incumbents in the Senate? A. I can't think offhand. I can't recall offhand in the Senate that anybody spoke to me about it.

Q. So, for example—well, let me withdraw that. To turn to the House were there suggestions made by incumbents in the House that you received directly or indirectly? A. I had some discussions I told you with a couple of the people that I mentioned. I don't remember the names. There were a lot of people that probably talked [88] to me over this period of time. I made no particular note of it or paid any attention to it. I wasn't taking a recording of everything that was going on in this three month period.

Q. Were you aware of the fact that these suggestions were in any way communicated to Mr. Collins or Mr. Orcutt? A. No, I wasn't aware of the fact that they were getting any greater input, to use your misused word, than I was getting. I'm sure that he talked to others.

Q. But you yourself did not? A. I have already answered the question as well as I can, Mr. Beizer. I talked to a number of people on this. No one was telling me exactly what they wanted to do or how they wanted to have it done.

Q. Would the same answer hold true, Mr. Saden, as far as republican town chairmen that there were no discussions made to you by republican town chairmen as to how districts might be created either in the Senate or in the House? A. No, that's not true. Town chairman in my own town tried to tell me how to draw the districts and I completely ignored him.

Q. Was he the only one? A. He is the only one who contacted me.

Q. Were there others to your knowledge who contacted [89] Mr. Collins and Mr. Orcutt? A. Not to my knowledge.

Q. What about republican state representatives, state party leadership, were there persons connected with republican state party leadership who contacted you directly or

indirectly and gave suggestions how districts might be formed? A. No one contacted me other than the few that I have mentioned that I recall. It might be I talked to somebody else but there is nothing of any significance that impressed itself on my mind.

Q. Well, don't misunderstand me. I'm not asking whether you necessarily responded affirmatively to the suggestion they made, I'm simply asking whether there was an offer on their part to you either orally or written concerning the formation of their districts? A. I have no doubt that there were several people who talked to me and had all kinds of ideas and were wondering what was happening but if you want me to give you a detailed minute description of every word that everybody said to me I just can't do it.

Q. Were there any written communications? A. I had one written communication from the town chairman in my own town which I completely ignored.

Q. Did you retain that? [90] A. I don't know whether I have it left now or not. I can try to find it if I have it. I don't remember whether I do or not.

Q. Did you contact or speak about the plan with any political scientist, statistician, computer programmer or other technically qualified person at the Connecticut Public Expenditure Council relative to the formation of this plan? A. No.

Q. Did you contact or speak to any such person at Trinity? A. No.

Q. Yale? A. No.

Q. University of Hartford? A. No.

Q. University of Connecticut? A. No.

Q. Any other institutions of higher learning in the State or in the county? A. No.

Q. To your knowledge did any person on your staff contact any of these persons? A. I had no staff. I had two volunteers part time.

Q. Excuse me. Referring then to Mr. Collins and [91] Mr. Orcutt do you know whether they contacted any of these

persons? A. I don't know what they did. In fact I don't think they did.

Q. Did you contact or speak about the plan with any person who claimed to represent or who were in fact known to represent unaffiliated or independent voters? A. No.

Q. Did you in any way attempt to assess the impact of the plan at any stage of the development on the unaffiliated voters of the State either taken district by district or the whole plan? A. Well, insofar as you give some consideration to the election results you're taking into consideration the impact of unaffiliated voters because they vote in the elections even though they may not be registered with any party so to that extent they were given some consideration.

Q. Were you able to predict what effect the plan would have on the strength of their vote on the meaningfullness of their vote? A. No, not any more than you can.

Q. Did you have access either directly or indirectly to party registrations or lists for any town or district? A. I didn't particularly pay any attention to the [92] registrations of parties in any given district. I did look at election results as I have explained to you already.

Q. You answered that you didn't pay attention. I merely asked did you have access to them? A. I suppose if I wanted to get them I could. I didn't have all the data on registrations in front of me. The answer to that is very simply anybody could have access to them. They are public records.

Q. I have just a few more. I wonder if you could give me some order of magnitude of the number of meetings that you had with Mr. Thim in devising the Senate or House plan. You were a little vague in response to one of Mr. Satter's questions. A. I didn't count them. We started late in August and we went right through September. We didn't meet every day and I just can't give you an exact number on them. Maybe six, eight, ten, I don't know, something like that, in that range.

Q. Now in a number of responses to questions of Mr. Satter you indicated that one of the considerations which you used throughout was whether the lines you drew created a fair plan. As I understand your testimony a test of fairness of plan was a comparison with the election results for three different years, is that correct? A. That wasn't the primary test.

[93] Q. Exactly, but it was consideration? A. It was a consideration, yes.

Q. Now would you spell out a little clearer for me what questions you asked when you compared the districts you created and used the election results to determine whether they were fair. What were the criteria? A. Well, the criteria are if you take the election results for the last three elections for the General Assembly and try to key them into the board plan districts and try to make an estimate of whether a given district would have gone under that plan, would have gone republican or democratic based on those election results. There are uncertainties in that and these were purely a matter of opinion and estimate because there is no way in which you positively can say this plan is going to be democratic no matter if the republicans win the State by a hundred thousand there is no way of doing that and I have already explained to you the problem with reference to splitting towns that we had to arbitrarily assign a certain percentage of pluralities for that town in accordance with the percentage of population that went into a given district, so this was the criteria that I used. I didn't know of any other better way of trying to make a fair evaluation of the election results in terms of the board plan.

[94] Q. It is fair to say, isn't it, that you made an assumption that the election results of '66, '68 and '70 were in and of themselves a fair measure of the fairness of the new districts when you were looking at that characteristic alone? A. They were the best available data that anybody could use to make that determination. If you can point to any other data that one would use under the circumstances I would like to know it.

Q. Were you not assuming when you used those three years' election results that the prior districts, the districts that existed as of the time you were redistricting were in themselves a fair base point? A. What's that?

Q. Were you making as an assumption the fact that the districts that existed as of the time that you were redistricting— A. The old districts you mean?

Q. The old districts were a fair base from which to start measuring the results on the basis of the new districts? A. I didn't use the old districts at all and I didn't think the old districts were fair at all. I think that they were extremely unfair the way they were shaped and I didn't use them because what I have tried [95] to explain to you, Mr. Beizer, is that I tried to take the board plan districts and corollate them into voting results for the '66, '68 and '70 election as best I could, make the arbitrary allocation and split the town that I described to you.

Q. You did have some assumptions what would be fair? A. So that the old districts—it didn't make any difference what the old districts were, it was how the house votes would come out on the new plan.

Q. Is it fair to say in terms of looking at the overall plan insofar as fairness is concerned that there are two competing principles, one principle the principle that you expounded and that you followed, namely testing the results against old statistics? A. Against that?

Q. Against election statistics to see how the House and Senate would break down and adjusting the various districts to achieve some sort of balance, that being one alternative, and another alternative which you did not like to be characterized by, let the chips fall where they may in terms of carving up the State into districts, is that a fair characterization that there are— A. Well, I'm not sure I understand your question [96] but are you trying to say that, why not let a computer do it and forget everything else? Is that what you are talking about?

Q. No, I'm asking what alternative to one of the basic premises that you used was the premise we'll proportion the State based upon population, based upon contiguity, and based upon size and you will let the chips fall where they may in terms of whether that district turns out to be a predominately republican or predominately democratic or mixed district. A. I think that alternative is an extremely unfair one. I'm sure you could do it that way if you wanted to but as I tried to point out before that if you concede as you must the one man, one vote principle is one to create an equal protection of the law is a just result for every man's vote it seems to me that a corollary to that as I explained to you before is the proposition that if you don't get some kind—if you don't make any effort to get some kind of equal representation in the General Assembly in both Houses based upon the kind of total vote you are getting for those Houses you are thereby to that extent depriving the efficacy of that one man, one vote principle because you're denying minority groups as full a voice as they would otherwise be entitled to.

Q. One final question, if you were to carry your [97] principle to the extreme, that of making every district as much a swinging district as possible would you not have followed a very different system and come out with a very different map? A. If you want to discuss political philosophy that has no particular bearing on this case I suppose we could do that all night but I don't know that that question is particularly relevant to the issue here, is it?

Q. Well, I happen to feel it is. A. All right. State it again and I will try to answer it if I can.

Q. If you wanted to give maximum efficacy to the principal of creating some sort of balance in the House and the Senate based upon the '66, '68 and '70 election statistics wouldn't you have proceeded in a different way and arrived at a very different plan from the plan that in effect you arrived at? A. I wasn't trying to give that a maximum efficacy over and above everything else. I am trying to, as

I have tried to explain to you, there were other factors involved and this was just one of them and I think to the extent that you could give some consideration to it that it was deserving of consideration as a secondary or tertiary corollary of the basic principal of one man, one vote.

[98] Q. Finally, one last question, you indicated there were a list of six persons who were suggested by Mr. Parskey as persons who might be that third person to formulate the plan. Could you give us the names of those six persons and if possible their political affiliations? A. Yes, I think I remember most of them. I'm not—there were, let me see, there was Judge FitzGerald who had been a democrat, Justice Cotter,—There was another judge who was a democrat, I can't remember his name offhand.

Q. Justice Borden? A. Borden? It does not strike me but Mr. Satter says Judge Borden. It may very well be but there were three republicans, Justice Thim, Justice King and Judge MacDonald. That's my recollection on it.

Q. But you do recall that the sixth judge so to speak whose name you are not sure of was a democrat? A. Yes, there were three democrats and three republicans. I might add that it was upon Mr. Parskey's insistence that the third man be a judge and not just a legislator as the constitution permitted. I had no preference for that necessarily but I went along with Mr. Parskey's suggestion. As a matter of fact I suggested a different procedure.

Q. Did you make a counter proposal to Mr. Parskey?

[99] A. I had suggested to Mr. Parskey that he and I try to work out some kind of an agreement and after having worked out an agreement if we could select a third legislator at that point to go along with the plan but he rejected that.

Q. Was that in writing? A. No, that wasn't in writing.

Mr. Beizer: I have nothing further.

Mr. Satter: I have nothing further.

(Whereupon, the deponent was excused, and the taking of the deposition was concluded at 5:54 o'clock PM)

Deposition of James F. Collins

[4] **James F. Collins,**

Having duly been sworn by the Notary Public, testified as follows:

Examination

By Mr. Satter:

Q. Why don't you give the stenographer your full name? A. James F. Collins, office address 799 Main Street, Hartford, Connecticut.

Q. And, Mr. Collins, are you an attorney? A. I am.

Q. With offices in Hartford? A. Yes.

Q. And in the 1971 session of the Legislature were you employed as one of the counsel to the Republican party? A. I was.

Q. And specifically assigned to the area of reapportionment? A. I was.

Q. Did you continue as a counsel to the Republican party with the specific responsibility of reapportionment through the session of 1971? A. I did.

Q. And after the session terminated in June of 1971 did you also continue as counsel to the special eight-man commission appointed pursuant to the State Constitution to [5] deal with reapportionment through the month of June up until June 30th? A. I did. I was.

Q. Up until July 1st, 1971? A. (Witness nods his head yes.)

Q. After the three man board to deal with reapportionment was appointed pursuant to the State Constitution did you continue as counsel to that board? A. I don't know if my term would be counsel but I was an advisor to the board, yes.

Q. Specifically did you work with what member of the board? A. Primarily Judge Saden.

Q. Did you work with other members of the board as well? A. Briefly at the very end, Judge Thim.

Q. Did you do any work for Judge Parskey? A. No, I did not.

Q. In your working for Judge Saden were you his principal advisor of both the Senate and House plans? A. I would say I was, yes.

Q. Who else worked with you for Judge Saden? A. A Representative, Robert Orcutt, worked with Judge Saden and myself on the House and we had a young assistant named Rand, June Rand, who primarily did statistical work on both the House and the Senate. The last four days or five [6] days or so, in fact I would say the last couple of weeks we had some help from Tom Vocelli and Karen Weiss. We were also assisted by stenographers, I'd say roughly, typists, perhaps eight of them, seven or eight of them.

Q. Now in the preparation specifically of the Senate plan did you rely upon a previous Senate plan which had been the subject of considerable work by the eight man commission or did you start afresh? A. You're talking about what time now?

Q. Excuse me. After July 1st, 1971. A. Well, at that time I had the commission files in front of me, including the plans that had been presented to the commission or drawn by the commission—there were more than one, as I recall—and based on them and based on my own knowledge of the State, I think, I drew at least six more plans on the Senate, perhaps more. I can't remember exactly because some of them were thrown out without much debate, but I would say at least four or five full plans.

Q. And were the plans which were presented by Mr. Saden and which were the subject of negotiation between Mr. Saden and Mr. Parskey plans which were based upon the commission plans worked out prior to July 1, 1971? A. To some extent. It all depends on your definition of what is worked out. There were some areas of agreement. There

were some relative Senate Districts which were changed [7] very little, a simple illustration being the First and Second which I don't believe were changed at all on any plans, and there were others. The variations after that were considerable, I would say.

Q. Do you know how Judge Saden and Judge Parskey worked in developing the plan for the Senate? A. Other than through whatever Judge Saden told me I didn't know anything for the simple reason that I was not present at any of the meetings between the two Judges or, for that matter, with the third Judge. There were several, that I know because I would go over the coming meetings with Judge Saden before he would go to them, and go over the discussions after the meeting was over, but I did not attend any of the meetings.

Q. In the development of the Senate plan during this period from July 1st with whom did you consult? A. Judge Saden.

Q. Other than Judge Saden what other people did you consult with? A. On the whole no one—in drafting the plans, you're talking about?

Q. Yes, drafting. A. No one.

Q. Did you actually draft the plans and then submit them to Judge Saden? Is that the way it worked? [8] A. Yes. Well, Judge Saden explained to me what he was looking for, what he wanted, and then asked me to go ahead and draw plans on that basis, which I did.

Q. So you actually did the drafting? A. I did. Mm-hm.

Q. By drafting I mean you drew the lines? A. I did more than that. I drew the cuts, too.

Q. What do mean by the cuts? A. Well, in the sense that in drafting a plan based on a thirty-six seat Senate it was necessary to cut towns in order to arrive at plans which were constitutionally, at least what we felt were constitutionally valid.

Q. And in the drafting of the Senate plan did you consult with party leadership? A. No, I did not. You're talking about July onward, I assume?

Q. Yes. A. No, I don't recall ever discussing it with party leadership other than Judge Saden.

Q. Did you specifically talk, discuss your drafting of the plans with, and I'm talking about the Senate, with your Republican party chairman, Mr. Gaffney? A. No, I did not. I should qualify that by saying that obviously I had consulted with Gaffney during the Legislative session on Senate plans, but after the three judge panel was [9] in existence I don't recall ever sitting down and discussing the matter with Gaffney, no.

Q. Did you discuss the projected Senate plans with the Republican Senators? A. Possibly one or two of them, three of them, very vague in my mind for the simple reason that I really and truly didn't pay much attention to either the Senators or the Republican State Central Committeemen and women. It had been agreed upon pretty early in the game that those considerations shouldn't enter into the planning. Several Senators, I believe, talked to me about—I say several—some Democrats too, for that matter, who talked to me about their specific districts, but it didn't affect it one way or the other either way.

Q. What Republican Senators did you talk to as to their districts? A. Well, to the best of my memory I think Roger Eddy, who had been one of the commissioners on the eight man commission, asked me what was contemplated on his particular district and I discussed with him the three or four variations on his district that were being discussed. I think Senator Rome asked me the same thing. I think Senator Power might have spoken to me once about it. Senator Dowd spoke to me about it on three or four occasions. Senator DeNardis might have spoken to me about it once or twice. There may have been one or two others. [10] Those are the ones I can remember for sure.

Q. What Democratic Senators spoke to you? A. Senator Lieberman for one. I can't remember whether Senator Sullivan spoke to me. I guess it was after the plan, the same day the plan was submitted. I talked to one or two others

very briefly. I would hardly say I discussed the plan with them, just in general.

Q. With respect to the House plan did you speak to the House Republican leadership? A. No. I don't recall doing so once we started actually drafting the plan in July. I had discussed the plan in general and for that matter in specifics with the House leadership back in the time of the session and when the commission was in existence, and by House leadership primarily I'm referring to Representative Lenge and Representative Orcutt who were on the commission, and to a very small extent with Representative Collins, and a larger extent with Representative Gaffney, but once the commission died by law, once the panel was impaneled the only member of the House that I really spent any time with was Representative Orcutt because he and I were drafting the plan more or less together. As I recall I drew the basic outline of the plan and he and I worked on the detail.

Q. Did you discuss the House plan with any of the Republican Party leadership other than the House leadership you have just referred to? [11] A. To the best of my memory after the three judge panel came into existence no, not really. If I did discuss it with any of them it was in passing and without going into any detail at all. I didn't go into detail I don't recall with any of them on their specific House seat. No. Again, there might have been brief discussions with—I say brief, they would ask me how's it coming and I would say, and even there it was somewhat limited, I would say not more than a half dozen at the most, even to that extent.

Q. Did you discuss the House plan with any of the Republican legislators? A. No. It was pretty much the same as it was in the Senate. The discussions had all been during the session. Once the three judge panel was in existence the Republican leadership, outside of a general comment about how's it going, something like that, never went into any detail at all.

Q. I'm talking about individual Republican legislators. A. Again I will say what I said. I might have talked briefly with a half dozen of them or so but never in specific detail, no. I think perhaps Bob Orcutt might have discussed the details with some of them, more so than I, at any rate.

Q. Which House Republican legislators did you discuss the House plan with after July 1st? A. Well, I have a recollection of one of the Republican House members from Cheshire, I can't remember his name, but I [12] remember discussing it with him since he was interested as to whether or not Cheshire would remain as a unit or whether it would be cut. I remember that conversation, and at that time I couldn't tell him because I didn't know.

I remember another man from Enfield, again I can't remember his name, and he merely wanted to know whether his district was going to remain totally within Enfield or whether it would involve some other town, and again it hadn't been decided when I talked to him and I couldn't give him the answer. There may have been one or two others but I did not pay a great deal of attention to the Republican legislators.

Q. How about Democratic legislators? A. On the House? I don't recall talking to any of them at all except very much in passing, just in the corridor, just passing the time of day, that's about all.

Q. With respect to both the Senate and the House plans what data did you use in the preparation of each of these plans? A. Well, the preliminary data—I say the preliminary, the preliminary criteria that Judge Saden had set up and the preliminary data actually was the U.S. Census data for 1970.

Q. What other data did you use? A. We also used or I also used election data and House election results for the elections of 1966, '68 and '70.

Q. Did you use reporter registration? A. No, never, either the House or the Senate at any time.

[13] Q. Did you in the development of these plans use a computer? A. The party, Republican party, had con-

tracted for a computer while the legislature was in session, and both Bob Orcutt and myself worked with the man who was the head of the outfit in the attempt to develop plans for perhaps four months but it turned out to be four months wasted.

Q. Did the Republican party hire a programmer for this computer? A. We did. We hired a computer outfit, yes, but unfortunately the money went down the drain in the sense we never got—to be perfectly honest about it the party never even got a Congressional plan out of it. It just never worked, that's all.

Q. What was the name of this computer outfit? A. I don't remember the name of the outfit. The man's name that I guess owned it was Leyland, George Leyland.

Q. Where was he located? A. Cambridge, Massachusetts, I believe.

Q. Did the programming for that computer include both the census data and the election results that you have referred to? A. I don't believe—I'm not sure of the answer to that. I don't believe he got into the election results. I believe [14] he attempted to but he was having so much difficulty with his population data that we never even got around to the election results even if he did put it into the program. His attempts to draw Congressional plans or House and Senate plans purely based on census data were disastrous. It just was impossible. The plan didn't work at all—the program didn't work at all and it gave us absolutely no help whatsoever, and I believe the party finally terminated the contract around May.

Q. Do you know how much was paid to that computer outfit? A. No. I wasn't in on the negotiations. I don't have any idea what was paid.

Q. Do you know whether there were negotiations and discussions between Mr. Parskey and Mr. Saden respecting the Senate plans? A. Judge Saden told me that there were. As I say, I wasn't present at any of the meetings and therefore I assumed that this was true. And as I recall on

at least two or three occasions Judge Saden had maps with suggested Senate plans that Judge Parskey had given him that he and I discussed so I assume there were discussions.

Q. Do you know over what period of time those discussions relating to the Senate plan went on? A. From the time of their first meeting until the final day which was the Friday before the 30th of September.

[15] Q. I think we agreed that date was September 24th. A. Well, from the day of their first meeting up until September 24th discussions went on.

Q. And do you remember when they first met? A. If I recall, Judge Parskey had a vacation, I think he went to California in August, and I believe he came back around the 20th or 25th, somewhere around in there, and I think the first meeting was shortly thereafter.

Q. So they really started to work on this plan then from approximately August 25th or so until September 30th? A. Yes.

Q. Just had a little over a month to do this job? A. That's right. They had—I should say that Judge Parskey and Judge Saden had had some preliminary meetings, I don't know how long or how many, back in the discussion or who the third person was going to be. How much discussion they had other than merely who the third man was going to be I couldn't say. I don't know.

Q. From your knowledge the real discussions relating to the substance of the Senate plan was approximately from the period of August 25th to September 30th? A. To my knowledge this is so, yes.

Q. And how about the House plan? A. Again I can't say other than what Judge Saden told me. It's my understanding that they never discussed the House [16] plan, primarily because from what Judge Saden told me that Judge Parskey never wanted to discuss it.

Q. Were you given any alternative House plans from Judge Parskey? A. One, as I recall. One map, one small twelve by fourteen inch map which had lines drawn on it, a

rather—it looked to me like a rather hastily drawn map and it did not go into any detail in the sense all it did was group areas, didn't have any breakdowns in the areas, and it was very, very inadequate. I couldn't really do much with it.

Q. And other than that was there any—were you aware of any discussions or negotiations between Judge Saden and Judge Parskey respecting the House reapportionment? A. None at all.

Q. What were the factors which were used, the basic factors which were considered in the development of the Senate plan? A. Well, the first factor obviously was the population. Judge Saden and I discussed the legal requirements. Both he and I had read most if not all of the cases, Supreme Court cases on the matter, and we agreed that the primary legal requirement if not the sole legal requirement was that the districts had to be as nearly equal as practicable.

Q. Did you have a fixed percentage deviation in mind? A. No, we did not.

[17] Q. What other considerations did you— A. I might say in regard to the deviation I advised Judge Saden that in my opinion as to how close a plan could be drawn based on my personal knowledge of the statistical data that was available to us, so that I gave him some indication as to how large a variance I thought was statistically possible or how small a deviation or deviance was statistically possible.

Q. And what was your advice on it? A. I indicated to him that I did not think that a plan could be drawn that would make the districts maximum to minimum less than maybe six, seven, eight hundred, somewhere around there. In other words, the maximum deviance would be in that area, whether it was up or down.

A simple illustration of that would be the City of New Britain with eightly-three thousand four hundred forty-one people whereas your perfect district would be on a thirty-six Senate eighty-four thousand two hundred twenty-eight, so if you're going to leave New Britain as a single district

you automatically had a built-in deviance right there of almost eight hundred, seven hundred forty, whatever it is.

Q. What percentage of the average would that come to? A. About nine-tenths of a percent, less than one percent.

Q. Did you have in mind any specific percentage deviation that you did not want to go above? [18] A. No, we didn't go—I don't recall any discussion about how far above we would go. The discussions were all how close we could get. And as I say I told him that I thought it would have been difficult to come up with a plan where at least one or two or two or three districts did not exceed, oh, maybe seven hundred, somewhere around there.

Q. Seven hundred people? A. Yes.

Q. And what other factors besides population equality did you consider in the development of the Senate plan? A. I considered the Senate election results for 1966, '68 and '70.

Q. What was your purpose in considering them? A. Judge Saden indicated to me that, number one, he wanted plans which were statistically population-wise as nearly perfect as he could get, and, number two, that he wanted plans which would be in his opinion fair plans, or my opinion fair plans, or our joint opinion, and when I said "What do you mean fair?" he said "I would like plans which in theory at least would do this: whichever party carried the State on, let's say, the Senate level, because we're talking Senate, whichever party carried the State on a Senate level, that is, adding up all the votes received by the Democratic candidates for Senate and all the votes received by the Republican candidates for the Senate, if a party were to carry the State of [19] Connecticut on that level then that party should carry the Senate." And in light of that direction I attempted to draw up plans to conform to what he wanted.

Q. So that you considered both population equality and the, in effect, political result of a plan? A. Right.

Q. In the designing of these districts, is that right? A. In that order, right.

Q. Did you consider incumbencies? A. Well, to some extent in the sense that in drawing a plan I didn't deliberately go out of my way to put four senators in the same district. I considered it to that extent but other than that it wasn't a major consideration, I'll say that much.

Q. And what factors did you consider in developing the House Plan? A. The same exact factors, namely that the first criteria was a plan which was mathematically as close as it could be, each House deviance would be close as possible. Again I advised him that the area of deviation, maximum deviation, would probably run around seven hundred, because of the statistical data available, and secondarily he again said that if possible he would like a plan or plans which would reflect the vote.

Q. Did you consider incumbencies? [20] A. Not to any large extent, no. In fact I couldn't in a great many instances I couldn't tell you what happened to the incumbents. I don't know. It was difficult enough drawing the plan in the first place.

Q. With respect to the House plan did you have in mind any specific percentage deviation which you strove for? A. No. There again percentage didn't enter into it. It was a question of number of people for the simple reason that I knew that approximately eighty percent of the total areas that we had to work with contained more than four hundred people, in fact they contained more than six hundred people, as I remember it. In other words, we were dealing with areas and we had to block areas together.

There are roughly in Connecticut on the census maps about twenty-seven hundred, twenty-eight hundred areas, and the average population in each of those areas is over eleven hundred and eighty percent of them, seventy-nine or eighty percent of them are over six hundred, and about ninety percent of them are over four hundred, so therefore I knew statistically that it would be very, very difficult to draw any plan, I don't care how it was drawn, that would not have a deviance of six or seven hundred in some areas. Couldn't help it.

Q. Did you have any maximum percentage deviation? A. No. Judge Saden—as a matter of fact I did in the sense I kept recommending we could go a little higher in the [21] sense of deviance. I can give specific illustrations; the town of Cheshire has nineteen thousand and fifty-one people and the town of Ansonia has twenty-one thousand one hundred sixty and originally I recommended to Judge Saden, I indicated that that should—perhaps those two towns should not be cut in the sense they were only slightly over the seven hundred figure, but Judge Saden insisted in attempting to arrive at as close a deviance as possible that those two towns be cut, that they were too large, so we cut them.

Q. Did you feel compelled by your interpretations of the equal protection clause of the United States Constitution to keep within any specific percentage deviation in the development of the House plan? A. No. Again, it wasn't a question of percentage, it was a question of population. I was more—in drafting I was attempting to get as low as I could and I knew that I was faced with about a seven hundred population deviance that couldn't be avoided.

Q. But in fact you did get a deviation that was in excess of seven hundred, did you not? A. Some. I think there were seven forty or seven thirty or something like that. The seven hundred wasn't exact, the seven hundred was approximate.

Q. What was the percentage deviation for that? [22] A. I think the largest deviance—I think there is one district that's seven hundred eighty-seven above average, and another one I think is seven hundred and sixty something below average.

Q. What percentage of the average population for each district? A. What's the percentage deviance, you mean?

Q. Yes. A. Three point nine, I think, or three point eight, somewhere around there, because we were dealing with an average district of twenty-thousand eighty-one.

Q. With respect to the illustrations you have given of Ansonia and Cheshire approximately what would have been

the percentage deviation if those towns had remained intact as single district? A. About five percent. Ansonia is twenty-one thousand one sixty as against twenty thousand eighty-one is a difference of what, nine hundred or a thousand, a little over a thousand, thousand sixteen, somewhere around there. That would be five percent.

Q. And Cheshire had a population of what? A. I believe it's nineteen thousand fifty-one. It could be thirty-one. It's one or the other.

Q. Again the difference between nineteen thousand and thirty or fifty-one and twenty thousand eighty-one which is [23] the average would be approximately a thousand? A. A thousand, yes. About five percent.

Q. So it would be about five percent? A. That's right.

Q. Did you feel compelled by the Federal Constitution to keep below five percent in your deviation, by the United States Constitution—I withdraw the question and ask it again. Did you feel compelled by your interpretation of the United States Constitution to keep below five percent deviation in each of the districts? A. Well, how I felt is somewhat irrelevant in the sense I was governed by what Judge Saden wanted, and Judge Saden wanted a plan which as far as he was concerned deviated as little as possible and I did the best I could under the circumstances.

(Short recess.)

By Mr. Satter:

Q. With respect to the reapportionment of the House of Representatives how many districts were formed? A. Hundred and fifty-one.

Q. And of that number—excuse me. Withdraw that. How many town lines were cut in the— A. Final plan?

Q. Yes, in the final plan in the formation of House districts? [24] A. Forty-seven.

Q. In forty-seven districts a portion of a town was added to another town in the forming of— A. Fifty-five, I think, districts contained portions of two towns. There were

forty-seven towns that involved cutting but I think if you count there are fifty-five districts that contained portions of two or more towns.

Q. Was an attempt made to reduce that number of town cuts? A. No, not really, in the sense that the Judge, as I said earlier, Judge Saden insisted on mathematically wants perfections but it's the best we could do and this involved obviously cutting the towns.

Q. So given the two criteria you have mentioned of population equality and a desire to achieve a certain political result— A. A balanced political result I would say would be the way to phrase it, yes.

Q. Given those two criteria no attempts were made to reduce the number of town lines cut? A. No.

Q. Could this same plan having the same number of seats and with the same percentage deviation have been drawn by cutting fewer town lines than in fact were cut? A. I doubt it. I think there might possibly be one or [25] two areas in the state. This is purely a matter of judgment anyway. I would say there might be as many as three areas that conceivably did not have to be cut for political reasons in the sense of balance, but there again it's a matter of judgment as to whether this is necessary or whether it isn't.

Q. No, I didn't ask you that question, Mr. Collins. I have left out the political considerations, left out what you call the balance completely. A. Just mathematically you're talking about?

Q. Yes. I'm saying—let me make my question clear—leave out entirely the consideration of political balance as you have described it and consider only the factors of the size of the House, namely a hundred fifty-one seats, and the percentage deviation of approximately plus or minus four per cent, could fewer town lines have been cut? A. I would say yes, perhaps two, maybe three.

Q. Is that all? A. That's all.

Q. Did you make any attempt to analyze the plan from the point of view of excluding the political balance which

you have described and simply endeavoring to find the fewest number of town lines that could be cut with a hundred and fifty-one seat House and within a deviation of plus or minus four per cent. A. Yes. I would say I went over it to see what would [26] be the minimum number of towns that would have to be cut regardless of any other consideration other than mathematics and I would say it would have been around forty to forty-two in any event; for that deviance you've got to get that high. If you want a higher deviance then you can reduce the number of towns, but as long as your deviance is down around the figures that it was in the final plan then I don't see how you can do much better than cut around forty towns, maybe a little more.

Q. After you had prepared your plan, your House plan, with the deviation which you had, with the number of seats which you had, and with the additional factor of the political balance which you have related, did you make any attempt to revise that plan in order to reduce the number of town cuts? A. My conclusion at the time was and I still think this is true that there could be no revision, not really.

Q. I didn't ask you that. I asked you whether you made any attempt to revise, to reduce the number of town line cuts. A. I discussed with Judge Saden two or three areas where it could be, the cuts could have been eliminated. I can think of two at any rate, possibly three, and we discussed it and I said in my opinion on balance it should not be eliminated.

Q. And what were those two or three areas you referred to? A. One was Killingly; one was Watertown; and another one [27] as I recall was Bloomfield. There might have been one or two others.

Q. And what were the factors that let you not to—led you and Mr. Saden in your discussions not to eliminate those town cuts? A. Because of the fact that we wanted a balance. We wanted a political balance in the sense he wanted a plan which if the Republican party carried the state on the House level that the Republican party would have a chance to carry the House, and if the Democratic

party carried the state on a House level that the Democratic party would carry the House, and in my best judgment in order to do this these were necessary.

Q. Could the number of town lines to be cut have been reduced by increasing the percentage deviation? A. No question about it. The higher the deviation the less the town cut.

Q. Was any attempt made by you to prepare a plan with a deviation higher than approximately plus or minus four per cent in order to reduce town cuts? A. Well, if you're going back to when the legislature was in session I would say that I probably drew as many as forty plans or so. I can't remember how many plans I drew. I drew a great many of them in numbers ranging all the way from the Constitutional limit of a hundred twenty-five to the [28] Constitutional limit of two twenty-five. As far as the board was concerned the only plan we ever drew was for the hundred fifty-one.

Q. And do you have those prior plans that you have just alluded to? A. I would say I have them around somewhere, home or somewhere, yes. By plans I don't mean detailed plans, obviously, because it's way too much work in each individual plan. These were just suggested plans on small maps where you would block off areas and assign so many seats to that area without actually cutting into the towns or cutting into the area. This was done by both sides preliminarily.

Q. And would you be willing to make those plans available to Mr. McCarthy? A. God help him if he wants to look at them but he's certainly welcome to the whole file cabinet full of them. They are pretty messy, a good many of them, because there are a lot of changes and suggested changes, but he's welcome to all of them if he wants them.

Q. Do you have any recollection of how many town lines would have to be cut if, for example, if there was a percentage deviation of five percent? A. In the thirties. I would guess thirty-seven, eight, nine, around there.

Q. And if there were a percentage deviation of six [29] percent? A. It would come down each time. Each percentage would come down two, three or four, as I recall, and there are—around seven and a half percent down I think it got down to maybe thirty, somewhere around there.

Q. In the plan in addition to the number of town lines which were cut there are also segments of towns, there was also a certain number of segments of towns which were added to other towns in the formation of assembly districts. A. Well, yes, there would be cuts from towns, yes.

Q. And the number of segments exceeded the number of towns whose lines, the boundary lines of which were cut in the formation of districts, isn't that correct? A. I can't answer that other than to say there there are fifty-five districts that have pieces of towns in them, two or more towns, or as there are forty-seven town lines that are cut it gets—we could debate—you can get debating what is meant by segment in the first place. If you have two adjoining towns and you cut a piece out of each one of them to make a district are you cutting both towns or are you cutting one? I don't know. We counted it on these figures as cutting both towns. It could be argued that you're only cutting one.

Q. Well, isn't it a fact, Mr. Collins, that there are seventy-eight segments—excuse me—seventy-eight portions [30] of the town which are used in the forming of a district that are not wholly within that town under the board plan? A. I believe that's true in the sense if that is what you alleged in your federal complaint then it's true. I checked it and it's true. I think there's seventy-nine, as a matter of fact.

Q. Now was any attempt made by you to reduce that number of segments after you had—excuse me—in the formulation of the House plan? A. Well, as I have already testified we made no attempt whatsoever to check into segments as such. The criteria were as given. We tried to make the plan mathematically as close as we could and tried to balance it politically and those were the criteria. We didn't count the segments.

Q. Now— A. I will say this. In the cutting we tried to make the cuts at least large enough so that they would not be ridiculous in the sense we weren't cutting a hundred and ten people out of one town and putting it in another town.

Q. Now were you in the development of the House plan where you had a choice between avoiding the cutting of the town and achieving your political balance did the achieving of the political balance dominate over the avoidance of the town cut? A. Well, as far as again in drafting is concerned [31] avoiding the town cut meant—we were cutting, without question we were cutting forty towns so therefore whether we cut forty or forty-one made very little difference.

Q. Is it fair to say that once you recognized that in the development of the plan that you had to make town cuts it then didn't make any difference really how many towns were cut? A. It made this difference, in the sense that we were not going to shatter the town lines in the sense of just making a jigsaw out of the whole thing but at the same time in order to achieve what Judge Saden required I did not—I cut town lines which were in my opinion necessary.

Q. In order to achieve the political balance? A. In order to achieve the balance, yes.

Q. Now, for example, you had mentioned the town of Killingly and I show you what is Plaintiff's Exhibit A introduced as an exhibit, I might say, in Judge Saden's deposition and he has agreed that this is a fairly accurate depicture of Assembly Districts 50, 51 and 52 under the board plan. Would you agree with that? A. Yes, that's accurate.

Q. Would you also agree that it would have been possible to have avoided the cutting of Killingly in the manner illustrated in Plaintiff's Exhibit A-1 which I have here entitled alternative district covering the same Assembly District? [32] A. Yes, except these are misleading. You only have three districts and I can tell you ahead of time that if you don't cut Killingly such as you don't on this one

that you're going to cut another town somewhere down in another area.

Q. Well, may I, Mr. Collins, point out to you that in this Plaintiff's Exhibit A-1 we have used precisely the same areas— A. I realize that.

Q. —of the State. A. I realize that.

Q. Would that change your last answer? If you look at Plaintiff's Exhibit A-1 you observe that it covers precisely the same land area and the same towns as— A. No, because the answer would have to be varied on the basis of what we were drawing these things on. We were talking of drawing them on a political balance basis so that this particular cut here was done on a political balance basis so if you don't do it here you have to do it somewhere else, that's all.

Q. In other words, again, that although it was possible to avoid the town cut for Killingly— A. It very well would have predicated—I'm not saying specifically, but it would have been a cut somewhere else, yes.

Q. In other words, the primary consideration then was— A. In that particular cut.

[33] Q. —in that particular cut was your purpose seeking a political balance? A. Exactly.

Q. Would, for example, your answer be the same with respect to the town of Watertown? And I show you Plaintiff's Exhibit B, again in the Saden deposition, which depicts the board plan indicating a cut in the town of Watertown for Assembly Districts 68 and 69? A. The answer is the same.

Q. The answer is the same? A. Mm-hm.

Q. That the town of Watertown need not have been cut except for the fact that political considerations of balance played a part in the decision to make the cut in the way the board plan did it, is that correct? A. Yes. Again, these are subjective. No way of knowing for certain.

Q. With respect to the town of Montville I show you Plaintiff's Exhibit C, again in the Saden deposition, and I

ask you whether the map showing the town of Montville, Assembly District 37, Assembly District 48 and a portion of Assembly District 45 is an accurate portrayal of the fact that the town of Montville was cut, was divided into three parts in the formation of an Assembly District, is that correct? A. That particular cut was done at the request of [34] Judge Parskey.

Q. But the answer—but my question to you is, was under the board plan the town of Montville as shown by Plaintiff's Exhibit C cut in effect into three segments in the formation of Assembly Districts 37, 48 and 45? A. Yes. It was done, as I say, at the request of Judge Parskey.

Q. And could the town of Montville, for example, have not been cut by forming those Districts 48 and 37 as demonstrated by Plaintiff's Exhibit C? A. I think you will find if you look at your exhibit it's already cut.

Q. Yes, it is cut. A small portion of it is in 45. A. Yes. The additional cut was not necessary.

Q. The additional cut was not necessary? A. Not particularly, no.

Q. But it was done to achieve some sort of political purpose? A. It was done to guarantee an Assembly District in that particular instance. The other one was done to give a proportionately Republican district so they balanced, but the two judges agreed, as far as I know, on that.

Q. Now did the factor of compactness in the shape of either the Senate or the House Districts play any part in your development of either the Senate or the House plan? [35] A. Well, I would have to say how do you define compactness? I'm a little at a loss to know exactly what that means. The State of Connecticut town lines are rather oddly shaped, as any look at any map of Connecticut will show, so therefore to say whether or not a particular District is compact is beyond me, to say the least.

Q. How about within a town? Did the element of compactness, and by that I mean simply trying to achieve some sort of a rectangular shape, play any part in your creating

Assembly Districts or Senatorial Districts? A. I think I should elucidate on the creation of Assembly Districts. It was so difficult to draw a plan, any plan, for the Assembly that in the drafting of this plan or the preliminary board plan, not the final one but certainly the preliminary one, I utilized the commission files and all the work that had been done by the commission and by both sides, Democrats and Republicans, in drawing the final draft for the board.

As an illustration, the lines for the first eight Districts in the City of Hartford were drawn by the Democratic party draftsman and I adopted them exactly the way they were drawn, never made a single change in them. So who drew them and what his reasons were and why I do not know. I took them exactly as they are right out of the commission files and I know nothing about them. I did not draft them.

[36] Q. That is within the town of Hartford? A. Yes, and this was true in some other areas also.

Q. What other areas? A. Well, I believe there were some minor changes in Waterbury and some minor changes in New Haven, but—in fact I think in New Haven—no, I take that back—I think the New Haven-East Haven Districts came right out of the board plan files; Waterbury I'd say maybe four of the Districts, but again I didn't take into consideration too much in the way of looks for the simple reason that looks are sort of irrelevant in the plan. I don't really think you can draw a plan on the basis of looks. I didn't go at it trying to make an esthetically beautiful plan, let me put it that way.

Q. I show you a map of— A. West Hartford.

Q. Districts 19, 18 and 20 in the town of West Hartford which is Plaintiff's Exhibit E in the Saden deposition. Is this a fairly accurate portrayal of the shape of this District? A. Yes, I would say it was.

Q. Do you believe that the District number 19, for example, is a compact District? A. Well, as I say, I don't have any definition of compactness.

Q. How about Assembly District 20? A. The same. I have no definition on compactness. I [37] couldn't say.

Q. What was the motivating factor in all of the curves and turns in the creation of Assembly Districts 19 and 20? A. Very simple. In West Hartford there is no complicated factor at all. I assume you're putting this other—you want me to look at this other one too? E-1, is it?

Q. Yes. A. It's very simple. The secondary criteria, as I told you, was to draw a plan that was fair for both parties. If you use E-1 here as your plan then in essence you're setting up two Democratic Districts and one Republican in West Hartford. If you use the plan as drawn you're setting up one Republican, one Democratic and one swing District. This is a fairer plan on balance than that one.

Mr. McCarthy: Pointing to Exhibit?

Mr. Satter: Exhibit E.

By the Deponent:

A. Exhibit E is a fairer plan for West Hartford in my opinion than E-1.

Q. Are you saying in effect that all of the curves and twists in the boundary lines of Assembly Districts 19 and 20 were to achieve a political purpose? A. No. The curves and twists are due to the fact that those are census lines. The census lines had to be followed in trying to achieve a political balance. This is the way the [38] result came out.

Q. Well, would you accept the fact that that— A. It's a neater looking plan, E-1, but neatness of plan was not a criteria at any time in the drafting.

Q. Well, does not, however, Plaintiff's Exhibit E-1 illustrate that census data alone was not the cause for all of the turns and twists that appear in the board plan ? A. I never said that it was.

Q. So that the criteria then was not— A. Solely census data? No, it wasn't.

Q. It was the political consideration. A. Absolutely.

Absolutely. I don't think anybody is denying this or should.

Q. In the development of Assembly District 19 did you consult with any Republican legislator? A. Are you talking after the judges were appointed?

Q. Yes. A. No.

Q. How about prior to the judges' appointment? A. I had discussed West Hartford with Mr. Lenge when he was a member of the commission, obviously.

Q. Is Mr. Lenge the representative— A. From the 19th District.

Q. From the 19th District? A. The new 19th District. He lives in the new 19th [39] District, yes.

Q. And was this plan developed in order to maximize his chances of reelection in West Hartford? A. I would say that we attempted to, I attempted to set up a plan along the lines I told you, one Republican, one Democratic, and one independent or one swing District in West Hartford, and I would say Mr. Lenge's District is probably the Republican, Mr. Neiditz' District which was 18 is probably Democratic and the other two that Mr. Clark and the other one, I should say that Mr. Clark and Mr. Burn lives in, 20, is a swing District.

Q. So that political considerations then did go into the formulation of Assembly Districts 18, 19 and 20? A. Absolutely. Absolutely. Throughout the State this was true. That just is one of them.

Q. I show you Plaintiff's Exhibit F, indicating in orange Assembly District 13 and in yellow Assembly District 12 in the town of Manchester. Are these a fair depicture of the shape of these two Districts 13 and 12? A. I believe they are. I did not, however, draw those two Districts.

Q. Who did draw them? A. I believe Mr. Orcutt drew them.

Q. Would you concur that the shape of both those Districts is not very rectangular? [40] No, they are not.

Q. What were the factors that played a part in the shape

of those two Districts? A. There again, not having drawn them I can't say. I would assume that it was a political factor but I don't know.

Q. You're not familiar either way about it? A. I didn't draw the District so I don't know.

Q. Did you draw Senate District 29? A. I believe I did, yes.

Q. And is this, referring to Plaintiff's Exhibit H, again Saden's deposition, a fair depicture of the board Senate plan for Senate Districts 29 and 35? A. Yes, I would say that it's reasonably correct.

Q. And do you observe in the Board Senate plan that Senate District 29 extends up to take a portion of the town of Mansfield? A. Yes, it does.

Q. And what portion of the town of Mansfield is taken? A. Western section of the town.

Q. Is that the portion that is within the town or the township of Storrs? A. Tell you the truth, I don't know.

Q. Does it include the University of Connecticut? A. I believe it does but I can't be positive.

Q. In the creation of Senate District 29 did you have [41] a particular purpose in including the University of Connecticut area within that District? A. Not specifically the University of Connecticut area but the primary purpose in cutting the town was to balance the District.

Q. And by balancing the District do you mean that you sought to get Democratic votes within the Senatorial District 29 which is substantially heavily Democratic anyway in order to take Democratic votes from Senate District 35? A. In order to achieve a balance on the Senate along the lines suggested earlier this was true and it was necessary and is necessary.

Q. And that accounts for the cutting of the town of Mansfield? A. It does.

Q. And for the shape of Senate District 29? A. It does.

Q. Now under your theory what breakdown between the two parties did you anticipate under your Senate plan? A. Roughly speaking I would divide the State into fifteen gen-

erally Democratic District, fifteen generally Republican Districts, and six swing Districts.

Q. And what proportion of Democratic and Republican representatives did you anticipate resulting from your House reapportionment plan? [42] A. Well, I would anticipate, or dividing it again into categories, general categories, out of the hundred fifty-one Districts I would estimate perhaps sixty-five Districts that would go Democratic almost always, and there are roughly, oh, fifty districts perhaps that would go Republican most of the time. The balance of the Districts would swing. Again, it's a matter of judgment. In fact I would say there are over seventy Districts that will go Democratic almost all the time, perhaps as many as seventy-two, and the remaining seventy-nine could go Republican, but in fact I would guess that sixty-five of them would go Republican. The remaining fourteen can go Republican but more likely than not will go Democratic in a general election.

In other words, putting it another way, if Nixon were to lose Connecticut in this fall's election by seventy-five thousand which I think is a fair estimate on this plan the Democrats will carry the house by fifteen to eighteen seats in my opinion. Same would be true in the Senate. If he carries the State by seventy-five thousand—

Mr. Beizer: Loses, you mean.

By the Deponent:

A. Loses, pardon me, by seventy-five thousand I would say the Senate should go Democratic either nineteen-seventeen or twenty-sixteen. Conversely, if he carries it—let's say he carried it for the sake of argument by twenty-five thousand [43] and the party lever remained relatively constant, I would say the Republicans should carry the House by four or five seats and they should carry the Senate nineteen-seventeen or twenty-sixteen. This will vary depending on individual races, obviously.

In West Hartford, for example, we have a strong incumbent, hard to beat him, even if we carry the State. The

same is true, I would say, in Stamford which is another swing area. Same is probably true in Tolland where you have incumbent Democrats who are strong and therefore hard to beat.

Q. In the last week of the board deliberations, that is, after September 24th, were changes made in the House plan? A. Judge Parskey requested a change be made in the Montville-Colchester area and Judge Saden agreed to make it. That's one I can specifically remember.

Q. Were any other changes made? A. That change wasn't made in the last week, come to think of it. I don't recall any changes after the final meeting in Judge Thim's office other than merely technical changes possibly in the sense of getting the description out right because that change had been made by a discussion between Judge Saden and Judge Parskey prior to that meeting. Offhand I don't remember. The last week I was working pretty much on the Senate. We were so busy trying to transpose what basically were population figures to other descriptions that I concen- [44] trated pretty much on the Senate and whatever I did in the House was merely to help Orcutt and Rand and the stenographers to transpose the data from population data to area data and I didn't—if I remember correctly I had very little to do with the House.

I believe in the last day I suggested to Judge Saden that on the shoreline Districts that the typed sheets for; the shoreline Districts be amended to refer to census tracts only on all the shoreline Districts in order to make sure that we picked up any outlying islands, but that was purely a detail.

Q. Were there any changes made in the boundary lines of any of the House Districts in the last week? A. I didn't make any, no.

Q. Do you know whether any changes were made by anybody else? A. I think it's possible that for mathematical purposes in trying to make the thing even closer that there were one or two minor changes, possibly in the Burlington-Bristol District and possibly in the Franklin-Norwich Dis-

trict, but if the changes, if made, were purely statistical, really, and as I say I didn't make them and I'm not exactly sure of that timing as to when they were made.

Q. Who would have made them? A. Bob Orcutt would have made them.

Q. Well, since you're so familiar with the House plan [45] would you have known whether or not any changes were made? A. Well, those changes were made—you're asking me timing. I can't remember the exact timing on the change. Judge Saden was dissatisfied with the Districts in Bristol because I had drawn the original Districts myself in Bristol but he was dissatisfied on the deviance. I think the deviance went up to over eight hundred people, eight hundred and thirty or something like that, eight hundred forty, and he was dissatisfied and he asked if the deviance could be brought down and Mr. Orcutt and I said it could providing we cut another town so he said "I want it done."

And the same thing was true in Norwich. Norwich had five hundred and—or three hundred and some odd people added by the census rather late in the game and it meant that if you combined two Districts within the town limits of Norwich that the two Districts would have a rather large population, the largest two, I think, in the State, and Judge Saden felt that that deviance was too large, particularly where we could reduce it by bringing in another town, so he asked if it could be done and we said it could and he assigned Mr. Orcutt to do it.

Now; the timing on it I can't answer that. I don't remember. The discussions were going on all during this time on this. I have a feeling that it was discussed maybe two weeks before the final—when the actual change was made I [46] couldn't answer that because as I say I didn't do it. Orcutt did it.

Q. When you—you say that you really never got any Democratic counter-proposal to your plan? A. To the House?

Q. To the House plan. A. Just the one map that Judge Saden gave me.

Mr. Wade: Judge Parskey.

By the Deponent:

A. Judge Parskey gave to Judge Saden who gave it to us.

Q. And that was when? Early in the— A. No, about the 10th, somewhere around there, of September. Might have been the 15th.

Q. When did you submit your House plan? A. God, I don't know. You'd have to ask Judge Saden that. I mean Judge Saden had the plan and when he gave it to Judge Thim and Judge Parskey I couldn't swear. I don't know. I would guess it was several days before the 24th but I don't know. It might have been the 18th, somewhere around there.

Q. And when you submitted your House plan essentially there were no changes made in it by Judge Parskey, were there? A. Outside of the Colchester-Montville-East Lyme District. I don't know of any others anyway.

Q. Wasn't that plan one submitted for bargaining purposes with the Democrats which you expected there would be some [47] changes made in order to achieve a fair balance from a political alignment? A. My advice to Judge Saden was that the plan as drawn was the only fair plan that could be drawn politically and that any changes whatsoever that he made, that would be made by Judge Parskey would take the plan out of the fair category and make the plan a Democratic oriented plan.

Q. Did you anticipate there would be some changes or suggestions? A. I assumed that Judge Parskey and Judge Saden would discuss it, yes. To my knowledge they didn't, at least this is what Judge Saden informed me, but obviously I assumed that they would discuss it.

Q. Is it fair to say that you really got all you expected with respect to the plan you submitted? A. Well, the plan

as submitted was accepted by Judge Thim, but if I remember correctly I think this was the only plan on the House that was submitted to Judge Thim. There was no other plan on the House submitted to him so the man in fact didn't have any choice, I suppose.

Q. Were you surprised that there was no negotiations over your proposal on the House reapportionment plan? A. A little, yes. I was a little surprised. I thought that Judge Parskey would come in with a plan on the House, yes, and I was surprised that he did not. Although I was aware of [48] the fact that the Democratic party leadership all through the legislative session had very little interest in the House plan as a whole, that their sole concern was with the Senate plan, and the discussions on the House were for the most part unsatisfactory and the amount of agreement somewhat limited.

The breakdown in fact on the House discussions more or less precluded any really serious discussion with or any plan ever being adopted both in the legislature and by the commission. They never were really close to agreement. Never.

Q. So essentially the plan that was adopted by the House was really your— A. Adopted on the House, you mean, not by the House.

Q. Excuse me. On the House. The board plan adopted respecting the reapportionment of the House was essentially your plan as you developed it? A. This is true. I went to Europe in July, end of July and first part of August, and before I left Judge Saden asked me if I would draw a complete House and Senate plan so that he would have it available to negotiate, discuss with Judge Parskey and I did. I drew a complete House plan, hundred and fifty-one seat plan, and a complete Senate plan, including the actual breadowns, and in the final result the board plan on the House is about ninety-five percent of that plan, and on the Senate about the same, maybe eighty-five percent on the Senate.

[49] The House plan as drawn, however, represents not merely my work. It represents the work of a great many people. It is so difficult to draw a complete House plan that I utilized, as I said earlier, what was already available in the commission files and the actual cutting in the individual towns, and, for that matter, even the overall plan to some extent had all been discussed many times by both the members of the commission and the legislative members of the committee.

Q. Your house plan that you developed was significantly different from the commission plans. A. There was no commission plan on the House. The commissioners were negotiating on a basic House plan involving a hundred fifty-one seats, and they negotiated on the basis that the Republican commissioners would have certain areas that they could cut in block areas and the Democratic commissioners had certain areas, block areas that they could cut in, and I would say that roughly half to two thirds of the State was blocked off and agreed on and the argument, the primary argument was in the remaining areas as to who was going to cut those blocks and how they were going to be cut.

If I remember correctly the last two or three nights that the commission was in existence there were nine areas in the State that they were bargaining on as to who was going to do the cutting in those particular areas, Killingly, for example, being one of them, and they never agreed and so the [50] commission died.

Q. Essentially, then, the board plan was, as finally adopted, basically your plan as you developed it? A. Just as I just got through describing, I developed the plan but in doing so I utilized what was already available, therefore I would say a percentage, how much I don't know of the present plan was drawn by the Democratic party, how much exactly I couldn't say, but it represents a plan—it's so difficult to draw these plans—

Q. But the disputed areas were determined by you? A. Yes. Exactly. With the exception of Colchester, again,

which Judge Parskey wanted to cut in Montville and Judge Saden changed it.

Q. And the resulting plan then was one that you and the Republican party were essentially satisfied with? A. Yes, I would say we were. At least I am. I can't swear for the party.

Q. And you say that in your development of the plan that you did not use party registration as a— A. Never. I couldn't give you the registration in one District on either the Senate or the House in the sense I never looked at the registration figures on legislative plans all the way from January till today.

Q. You did not mention, but let me refresh your recollection. In the development of the plan for Stamford [51] did you consult with Representative James Bingham? A. You're talking now the House or the Senate?

Q. House plan. A. If I remember correctly the House plan in Stamford was drawn by the Republican leadership in Stamford. I didn't draw it.

Q. Did you discuss it with Representative Bingham? A. Very vaguely. I had drawn a plan for Stamford myself because I had to, obviously, in drawing the whole plan, but as I remember it the Republican leadership in Stamford had a plan of their own, and in discussing it with Bingham the only real discussion was the general areas which were not really in dispute in the sense there are areas in Stamford that are solidly Democratic and there are areas which are solidly Republican and there are areas which are pluses and minuses, go either way.

Q. In the development of the House plan for Greenwich did you discuss that with the three Republican representatives from Greenwich? A. I did, yes. This was all done during the legislative session, yes.

Q. And was that—was their suggestions embodied in your ultimate proposal to the board and adopted by the board? A. I believe the plan as adopted by the board is exactly the same plan that the commission had in its files,

yes. I [52] don't think there's a single change. There may be one E.D. or something but I don't remember.

Q. This means it was developed in effect by the Republican leadership of Greenwich? A. Right. This was the agreement, as I say, between the commissioners, the Democratic and Republican commissioners, the Greenwich area was, and for that matter the Stamford area too had been agreed on, coudl be blocked out by the Republican party just like Hartford was blocked out by the Democratic leadership, and New Haven.

Q. Did you discuss Senatorial Districts in New Haven with Senator Lieberman? A. I did. At his request.

Q. Did you make the suggested changes which he requested? A. He asked me if I would change a couple of block groups, as I remember it, and I said I had no authority to do it, that he'd have to check with Judge Saden.

Q. And were the suggested changes which he made in fact adopted into the ultimate Senate board plan or board Senate plan? A. I believe they were. There were others, by the way, changes in Waterbury, two or three changes as a matter of fact, requested by Mr. Vocelli.

Q. What is the population of the town of Bloomfield, if you know, Mr. Collins? A. Eighteen thousand three hundred one, I believe.

[53] Under the plan it was substantially divided approximately in almost half, was it not? Under the board plan? A. No, I believe you're talking about the House. Yes. It isn't divided in the Senate. I believe about six thousand people were combined with Windsor and I believe the other twelve were combined with Avon.

Q. And was this division made in order to achieve that political balance that you're talking about? A. Exactly.

Q. The town of Bloomfield is essentially a Democratic town, is it not? That is, it voted Democratic? A. Yes, I'd call it a Democratic town, barring very exceptional circumstances, yes.

Q. And then the three election results which you used, '66— A. Went Democratic all the time.

Q. —'66, '68, '70, went Democratic? A. Yes.

Q. So that your division of the town of Bloomfield for the House reapportionment plan was to achieve the political balance that you're talking about? A. That's right, because Bloomfield being only eighteen thousand three hundred needed another roughly two thousand people in any event, so it required a cutting in that area somewhere in any event, so in cutting we cut it politically.

[54] Q. In order to eliminate the Democratic representative from Bloomfield? A. No, I wouldn't say eliminate him. He can win. He's in a District by himself and he could win. He's a strong candiate. The thing in my opinion in order to balance the State along the line that we were talking about this cut was necessary, the type of cut or the cut itself was necessary.

Q. But the purpose of it then was to reduce a Democratic —potentially Democratic legislator from the entire town of Bloomfield. A. To a swing District. Well, he still controls the District twelve thousand to eight thousand and he still can get elected again. I couldn't say I'm reducing him. As far as I know he's in a District by himself. He isn't running against anybody, no other incumbent, I don't believe, and he could win again, but there is no question that the cut was made for the reasons given. Not only that cut but a good many other cuts. This was the whole argument on the commission as to who cut these, let's say, fifteen areas, and the argument dragged out for seven months, eight months. I ought to know. I was involved in most of it.

Q. And specifically the cut of the town of Bloomfield which is— A. That's one of several, yes.

Q. But specifically the town of Bloomfield— [55] A. Specifically, yes.

Q. Which is essentially a Democratic town under your figures? A. I would say that it is, yes.

Q. Was cut in the manner it was in the board plan in order to achieve the political purpose that you have des-

cribed of balance? A. Yes, in order to balance the plan, yes.

Mr. Satter: I have no other questions.

Examination

By Mr. Beizer:

Q. I have some questions. Just to recap for the record we talked earlier about the use of a computer expert or a computer firm and that after four months this effort was scrapped. A. That's true.

Q. Could you amplify a little more fully as to the reasons the plan didn't work or the computer effort was scrapped? A. Because we got no results out of it. In other words, the computer organization never gave us anything worthwhile on any level. We primarily at that time were developing or attempting to develop Congressional plans rather than legislature plans because if the computer couldn't work on the legislature plans, it wasn't on the Congressional plans, it wasn't going to work on the legislature plans, and we never [56] even received one Congressional plan from the computer. He never could get his figures to balance. Never.

Q. Insofar as the input or the instructions that you or Mr. Saden or your predecessors made with respect to the computer firm were the same considerations given to the computer firm as governed your mechanical operations, namely, numbers, population statistics and political result? A. Well, Judge Saden for one thing wasn't involved in it. This was long before he was involved in it. Number two, it didn't make much difference what we told Mr. Leyland for the simple reason that his population data in the first place never came out right so we never got into the political data. He had trouble with the population data.

For example, I had one Congressional plan which I had drawn that had a deviation of, say, eight hundred people or so and I gave it to him to feed into his computer to see how it would compare and he came back and told me that my Districts were off by about a hundred thousand. I said

"Well, that's ridiculous. You can tell by looking with a pencil and paper in five minutes that that isn't so." So he said, "Well, show me," so I showed him and he said, "I just don't understand it. I don't understand how this thing can be off a hundred thousand" and that was about as close as he ever came, as I remember it. It was a disaster to say the least, and expensive, I guess.

Q. Addressing ourselves to another area, Mr. Collins, [57] you answered a number of questions of Mr. Satter with respect to the number of towns, town lines that were cut, or number of towns that had the integrity of their geographical borders somehow cut, and you indicated that there were a number that were cut to result in a political result and specifically you talked about three, Killingly, Watertown and Bloomfield. A. Those are the three I can remember. There might have been some others.

Q. These—I was going to ask—these were not the only ones? A. Montville I would say is another one.

Q. Were there others that you just can't recall at this point? A. Well, every cut, every single cut in the plan, both Senate and House, every single cut is a political cut if you get right down to it, you can't avoid it in these type of plans, so that when we are cutting towns as such that to me means nothing. Every single District is politically oriented one way or the other, or at least if it wasn't one or the others it's a swing District. You can't avoid that. I don't care what plan, who draws the plan, this is the way it results.

Q. Let me refocus your attention as the procedure. Is it fair to say that the initial determination to be made in both divisions, a Senate plan and a House plan, was in the case of the Senate to divide the State into thirty-six [58] Districts, and in the case of the House to divide the House in terms of a hundred fifty-one Districts? A. On a population basis that was the first consideration.

Q. And following that determination a plan was devised for both the Senate and for the House, which plan was later

measured or the statement as it was devised was measured against the political result that it would create based on '66, '68 and '70 election statistics? A. There was only one House plan ever developed. There were about five Senate plans, some of them more unfair, if that's the word for it, than others for either side, Democrat or Republican.

Q. But it's fair to say that in the developmental stage of the House towns were cut to achieve some sort of political result? A. Yes. I'd say there is only the one plan, that's right. The same is true in the Senate in the plans they were trying to achieve a balance for towns skewed Democratic or skewed Republican.

Q. Did you give any consideration at any point during your devising of a House plan to revising the number of Districts from a hundred fifty-one either up or down so as to minimize the number of towns that would have to be cut? A. Many times, as I testified earlier, beginning in [59] January I drew plans from a hundred twenty-five all the way to two twenty-five, and I also drew them on variances. I even, as an illustration, I think I drew a House plan on twelve Districts because the Constitution could—you conceivably could interpret the Connecticut Constitution that you could run people at large in twelve Districts. I know the Constitution says you have to have a representative from a District but you could violate that provision by running people at large in large Districts, just like you're violating the town cuts. In other words, don't cut town lines.

A simple illustration would be six Districts. Because I already know because of Congressional Districting that you could have six equal Districts. You could elect, let's say for the sake of illustration, thirty House members from each of six Districts. That would give you a House size of a hundred eighty. It would violate the Connecticut Constitution because they wouldn't represent a single District, but so what? It's still just as constitutional as the present one that violates the cut on the town lines. That way there you don't have to cut town lines. I tried that, too, for your information.

Q. Specifically were you given any instructions by Judge Saden after the time that he was appointed as one of the members of the panel? A. I think I already testified that his instructions [60] were he wanted a plan that was mathematically as exact as we could get it, number one; and he wanted a plan that would be a fair plan in the sense that either party, whichever party carried the State should carry that particular branch.

Q. My question was poorly stated. Did you receive any instructions from Mr. Saden with respect to the size of the House? A. Other than the fact that he discussed it with me and asked me in essence what had been decided by the commission, if anything, and what had been decided by the legislature, if anything, and I went over the history of it with him and told him that there had been an informal poll taken of the House members in which the majority of those voting voted to reduce the size of the House; that the commission, knowing this information, had agreed that they should have an odd-sized House rather than an even-sized House; and that further the commission had agreed that the figure twenty thousand it so happens divides into the State cutting the fewest number of towns on the whole because of the various differences in population, and that therefore it was logical that a House of a hundred fifty-one was probably all things considered, the best size in drafting that involved probably the fewest cuts. If you drew, for example, a House of a hundred fifty-five or a hundred fifty-seven, or if you drew one at a hundred forty-five or a hundred forty-seven, more likely than not you would [61] have more cuts because the twenty thousand figure would then not be the figure, so he said we'll take a hundred fifty-one.

Q. I'd like now to address my questions to the terms that you've been using of achieving political balance, and as I understand your testimony at some point in the devising of both the House and the Senate plans, particularly in the House plan you would add or delete various areas of towns to achieve a desired political result based on the election results of three different years. A. That's true.

Q. Now I would like you to tell me whether the—exactly what you mean by political balance first. A. Well, I'll show you what we were trying to achieve, or what I was trying to achieve. In 1970 on the House level in this State if you add up the total vote of all the Republican House members, received by the Republican House members, or of you add up all the vote received by the Democratic House members you will get a total. The total should either be five thousand, let's say, Democratic or five thousand Republican.

Well, it so happens in this particular year, 1970, there were at least two Democrats that I can remember, Cohen and the girl in Mansfield, that had no opposition. I think there was one in Enfield that had no opposition. I think there were three. So if you look at the record it will show no vote in [62] opposition, and if you don't take into account any vote there at all the Democrats would have won the House by about five thousand, six thousand, somewhere around that area. I don't think this is statistically accurate, and I think you've got to assign a vote total for a Republican or incumbent in those three areas, and the simplest way to do it is to take the average vote received by the Republican candidates in the town and just put it into your figures. If you do that the Republican party on that level carried the State in 1970 by about four or five thousand votes, somewhere in that area.

Now statistically if the total vote is supposed to reflect the population it would mean that the House of Representatives if it's fair should go Republican by one vote. Well, it went, on the plan that we have, it went Democrat by nineteen seats, which means that the present plan is obviously inequitable.

The same is true on the Senate, secondly. If you will go back to the '68 and '66 elections the Democratic Senators carried the State, let's say in '66 by around forty thousand votes but in fact carried the Senate twenty-three to thirteen. Well, Judge Saden felt and I agreed with him that this is inequitable. When a party gets roughly fifty-two to fifty-

three percent of the vote it shouldn't get sixty-four to sixty-five percent of the House. It should get fifty-three percent if it was perfect. Well, this would mean that the Democrats in 1968 should have carried the Senate nineteen to seventeen, [63] or at the most twenty to sixteen. And the same thing is true in 1966. It carried the Senate twenty-four to twelve.

And Judge Saden felt this was inequitable, and I agree with him. I think any reasonable person obviously would agree with him. And therefore the plan, any plan drawn, should have given the Democrats the Senate in 1966 either twenty-to sixteen again or nineteen-seventeen, and the same thing is true in 1970. In 1970 the Republicans carried the Senate by about five or six thousand but in fact lost the Senate ninteen to seventeen. This in inequitable. The Republicans should have carried the Senate in 1970 by nineteen to seventeen or at least it should be eighteen to eighteen.

In drafting these plans on both the House and the Senate I did everything in my power to try to have these plans balance out. I am frank to admit, especially on the Senate, that I drew at least two other plans which were submitted to Judge Thim which were inequitable perhaps from a Democratic point of view in a sense.

A simple illustration: I recommended that the northern part of West Hartford be put into Hartford in the 5th District or in the 2nd District which would guarantee the 5th District Republican. Judge Thim felt this was inequitable and apparently Judge Saden did too. But the plan was submitted, the plan as drawn, the plan as accepted, the board plan, as the fairest of the plans.

[64] Q. To achieve this political balance that you refer to is it fair to say that in some cases the Districts you created went from a questionable swing basis to being clearly Republican and others may have become clearly Democratic? A. In the House I would say that it's difficult to say in the sense that in drawing Districts for the House you run into the situation, for example, in the cities where it's

impossible to draw anything that would give any Republican an opportunity to win. As I said earlier, I think roughly seventy Districts out of the one fifty-one are going to go Democratic even in a landslide by a Republican. On the Republican side there are roughly fifty or sixty Districts that will go—fifty-five, sixty—that will go Republican most of the time. The other Districts will go Democratic a good deal of the time and occasionally in a good Republican year like 1970 will go Republican.

A simple illustration would be Bridgeport. In 1970 we carried five of the ten seats in Bridgeport.

Q. By we you mean— A. We did. The Republicans. Nobody disagreed at any time in all these negotiations, that isn't going to happen again or that that would happen again barring a miracle. The most anybody would concede to say it would. And this bi-election that just occurred here last week in Penuzio's District is a good indication of it. Penuizo's District from your point [65] of view is considered the strongest Republican District in Bridgeport. Yet the Republican lost. So that you have these unusual factors in every election you can't really account for.

Q. Do you recall what the plan did in terms of the House as far as the Rockville area is concernd? A. As I recall it—Vernon, you're talking about, I believe?

Q. Vernon. A. As I recall Vernon is split into two segments of which one goes in with some others in East Windsor, and the other one goes south with Andover and those towns, isn't that right?

Q. Bolton. A. Yes.

Q. You say two segments. There's really three segments in Vernon, are there not? A. I say there are two segments to go out of Vernon and Vernon has a District of its own.

Q. The town now is comprised of three voting Districts or comprises three voting Districts. A. You mean three assembly Districts.

Q. Three Assembly Districts. I'm sorry. A. I was going to say I think Vernon if I remember correctly has four voting Districts.

Q. All right. In any event is it fair to say that the [66] one northern District which is now a portion of Vernon, a portion of East Windsor and a portion or all of Ellington, has been deemed to be a Republican District under the 1970 or '68 or '66 election results? A. In my analysis of the District I would say the District is probably Republican but it could go Democratic. For example, if you look at the '66 figures on the House you will find that East Windsor went Democratic by about a hundred sixty-five votes.

Q. If you took the southern portion and that portion which was annexed to Bolton and Andover that likewise would now comprise a strong Republican District, would it not? A. Well, it depends on what the word strong is. The District should go Republican as a general rule, but all those towns, Marlboro, Hebron, all of them at one time or another with the exception, I believe, of Bolton, have gone Democratic not by much, usually fifty votes or so, but it's possible for a Democrat to win without any question. I would put it swing Republican, both Districts.

Q. In terms of the statistics that you were giving us earlier? A. I would call them swing Republican.

Q. They were counted in the fifty Republicans? A. No, they were not. They were counted in the balance seats. I wouldn't count them as guaranteed Republican seats, no.

[67] Q. They are less swing, they are less swing than the old District which comprised all of Vernon, are they not? A. Vernon I would consider generally a Democratic District and the District that's left in Vernon is still a Democratic District.

Q. Did you either before or after the panel was impaneled, or the board was impaneled to create the plan, did you contract directly or indirectly Senator Olegard from Manchester respecting his views? A. I wouldn't know Senator Olegard if he walked in the room. Never met him, never talked to him, don't know who he is even.

Q. Senator Rome? A. Yes, I know Senator Rome and have known him for a long time.

Q. Did you have communications with him respecting the plan insofar as it affected his District? A. Only other than the fact that it seems to me I bumped into him in the Hall one time, once or twice perhaps, and he was asking me in general what was happening in his area and I said, "I don't know but the Judges will decide, but in any event your District is pretty solid and I don't know what you have to worry about anyway." He was asking me whether Bloomfield would be cut. I said I didn't know, I didn't think so if I had anything to do about it. He asked [68] me what would happen to some of the other town. I said I didn't know what the Judges would decide. The reason for all that is I didn't know, there were so many different plans and different Districts that I had no idea what the Judges would accept.

Q. Did you have comparable communications with Senator Eddy? A. Well, once I remember roughly the same thing. He asked what was going to happen to his area and I said, well, I didn't know specifically.

Q. You mean to say that none of the Senators, Republican or Democratic, gave you any views of theirs concerning what they would find desirable? A. Very little. Very little. Not once. I had very little all along the line. I'm not sure, for example, that the Republican Senators even knew I was doing the drafting, to tell you the truth. For example, I never met Senator Zajac and the plan kills him stone dead. I never met him. I don't even know him. Senator Ives I've met but Senator Ives never spoke to me once and the plan kills him stone dead because it puts both him and Senator Powers in the same District and they are two Republicans and therefore one of them is stone dead. So that I never discussed it with them. Never.

Q. There were some, I assume, the very little that you used before does refer to at least one or two Senators who [69] attempted to persuade you. A. Back when the legislature was in session I remember Senator DeNardis talking to me at some length one time about his area, various

and sundry adjustments and plans, and so forth. Yes, I remember that. I think I spoke to Senator Crafts maybe once for five minutes. Craft, I guess his name is from Ledyard, down that way somewhere. H couldn't care less what I do with the District.

Senator Dowd spent a great deal of time, he was on the commission and he spent a great deal of time talking over his area. I think I spent more time on his area than any other single area, and he did talk to me as I recall briefly after the Judge had been impaneled, asking me what was going to happen, and I told him I didn't know, that it was up to Judge Saden, and there were about four or five different alternative plans in his area.

Q. Senator Gunther? A. Gunther never spoke to me once in the whole business. Senator Finney, I never saw Senator Finney even in the Capitol since last June. Senator Rimer never said a word. Rudolf, I wouldn't know Rudolf if he walked in the door. Macauley spoke to me about Bridgeport back in June, May or June. That's about all. And who were the other Republican Senators?

Q. Lucy Hammer? A. I wouldn't know her if she walked in. I might say [70] I have seen her face around but I wouldn't know for sure.

Q. Peter Cashman? A. Cashman talked to me at the same time DeNardis did, I would say sometime about May, thereabouts.

Q. Let's just stop on Cashman. What, for example, did Cashman tell you? A. Didn't tell me anything. He just asked me what was happening down in his area and did I have any idea what the plan would be, and I told him at that point what the plan was at that point which turned out to be the plan that it finally is, never changed from the beginning to the end. The parties had agreed more or less on that plan in February, on that area, the 20th District, and they never changed from then right until today, still the same. He was satisfied with it and that was the end of that.

Q. Did you have any discussion with Petroni? A. Yes. At the same time, roughly speaking, Romeo came in to see me and I told him what I wanted for the plan and he said, "I love it," and "that's great" and that took care of that. And there were four or five changes in Romeo's area but when it came down to it the plan came out the way I originally drew it.

Q. How about Jack Rudolf? A. Never talked to him once. Don't even know Rudolf.

Q. Did you contact directly or indirectly or speak about [71] your proposal for the plan with any other person known to you to be acting on behalf of a Senator or a Representative? A. No one ever came in to me and said "I represent Joe Smith" or whoever it is and "I want this, I want that." That never happened. I talked to some town chairmen obviously who had come in occasionally wanting to know what's going on in their town.

Q. Any Republican town chairman or Democratic town chairman, for that matter, who made suggestions to you concerning what they would like to see for their area? A. Well, it's possible. It was true, for example, when the legislature was in session, the town chairman of—take the town chairman, he's a Circuit Court Judge now, of Fairfield, talked to me about the Senate District down in the Fairfield area.

Q. Who is that? A. Jacobson? Is that his name? He's a Circuit Court Judge now. I think Jacobson or Davidson, one or the other. He was then Republican town chairman of Fairfield.

Q. Were there others? A. Well, there might have been. I'm trying to remember. Very little. I mean if the conversations were so negligible and so inconsequential that I can't even remember them that's how much they were. In other words, let me put it this way, in drawing the plan at any stage of the game I drew it purely [72] on my own, from my own knowledge, and without consulting very many people, I can assure you.

Q. I take it you did not consult anyone from the Connecticut Public Expenditure Council A. You can believe I didn't.

Q. Nor did you contact any person associated as a political scientist or statistician or of like employ with any of the universities or colleges in the state or the country? A. As I said earlier, I discussed Congressional redistricting with Professor Ladd of the University of Connecticut and one of his associates and came away convinced that they didn't know very much about it and their information wasn't very good, what they were doing wasn't very good. For example, the University of Connecticut gave one of the local newspapers a plan on the House what was printed in the paper and Judge Saden asked me if I would take that plan, I believe it was based on a hundred-twenty-five seat House, as I recall, he asked me if I'd take the plan and give him some sort of statistical breakdown on it, both population and political. I had already done it even before he asked me and the statistical breakdown was terrible, the deviation in the House was very large, the plan was obviously thrown together in a hurry, it had mistakes all over the place, and in general it was typical of their operation as a whole so we ignored it.

[73] Q. Did you contact or speak about the plan that you were devising with anyone who represented the unaffiliated voters or the independent voters of the state? A. Well, I don't always ask people I talk to whether they are affiliated with the Republican or the Democratic party so I might very well have talked to a few independents and not known it.

Q. But you as such did not—you did not solicit as such the opinion or the advice of anyone known to you to be unaffiliated or representing unaffiliated people? A. No, for the simple reason that we're predicating it as far as the political aspects of it, predicating it all on total vote and I assume that independent people vote, I mean statistically I can prove that they do, so I'm sure their votes

are reflected in the total vote. Therefore they are accounted for in the plan along with everybody else, no differently.

Q. Did you in any way attempt to assess the effect of the plan which was ultimately devised and now published as the plan as to its effect on the unaffiliated voters of the various Assembly Districts? A. Well, the fact of the matter is it will probably make them a little more powerful in some areas, certainly in these swing areas, I would think your unaffiliated voters are going to have more to say than in the past.

[74] Q. Is this a guess? A. A guess.

Q. Do you have any statistics to back that up? A. None. It's just a guess. There are more swing areas now than there were under the old plan so therefore by definition I would assume your unaffiliated voters would have a little more power than they did under the old plan. That's just a guess.

Q. You're referring now to—well, I'll withdraw that. Throughout the deliberations and the activities that you conducted to devise the plan you're basing your definition of political fairness or political balance—wait a minute, let me finish the question—you're basing your judgment of political balance on the election results of '66, '68 and '70, were you not? A. Yes.

Q. Now if those election results were somehow skewed one way or both ways depending on the years that in turn would throw off the judgmental factor of political balance that you arrived at in your plan, would it not? A. Certainly, but it was the best means available of doing it. What other means is there?

Q. You did not attempt to select some other indicator for political balance, did you? A. I'm not aware of any other indicator that we could [75] have used. I don't believe registrations would be a political indicator for the simple reason it would have been too difficult to get the registration figures in any divided plan, it would be impos-

sible, you'd be guessing totally, so therefore we never even considered it, it never came into consideration.

Q. In a sense is it fair to say that the election statistics were a very good indicator of the party registration? A. No, I wouldn't say that's true. The election statistics are a pretty fair indicator of how people vote in that particular area.

Q. Had you had available to you the registration statistics would you have used those in lieu of the election statistics? A. No. I don't think they are very valid. I have done a lot of research on elections in Connecticut in the last fifteen years and I would say voter registration figures are very—of little value in predicting an election result. I can give you specific illustrations if you're interested but it has nothing to do with this.

Mr. Beizer: If I can just take a second to review what I've got. I have no further questions.

Mr. Lapp: No questions.

Mr. McCarthy: No questions.

Mr. Satter: I have just one.

[76] By Mr. Satter:

Q. I'm almost through. Mr. Collins, you didn't bring with you any data, did you, any notes or any materials? A. Not a thing.

Q. I want to ask you whether you could submit to Mr. McCarthy so that we don't have to adjourn this deposition your identification of what you deemed to be under the plan the safe Republican Senate Districts, the safe Democratic Senatorial Districts and the swing Senatorial Districts, and also what you deem to be the safe Republican Assembly Districts, the safe Democratic Assembly Districts, and the so-called swing Assembly Districts. A. I would do so if Mr. McCarthy tells me to, yes.

Q. Well, Mr. Collins, if you feel that you would not, you can't tell me that you would do it then I would want to adjourn this deposition and give you a day or two to

prepare them and then put it on the record. A. I assure you I already have it prepared.

Q. Would you mind then giving it to Mr. McCarthy? A. I'll give it to Mr. McCarthy, yes, and then you can discuss it with him.

Q. Well, if Mr. McCarthy won't give it to me then I'll request that this deposition be adjourned and then we'll put you on the record again, but if you're willing to give it to Mr. McCarthy so that I get it we can terminate the deposition.

[77] By Mr. McCarthy:

Q. Let me inquire. In what form is your data available?

A. Basically by numbers. In other words, for example, in Senate District 1, 2 and 3, guaranteed Democratic; 4, probably Republican. District 5, swing, probably Democratic; District 6, solid Democratic; District 7, solid Democrat; District 8, Republican; District 9 Republican; District 10 and 11 Democrat, solid; District 12, Republican, solid. District 13, Democrat, solid; District 14, swing, Republican; District 15, 16, 17, solid Democrat; District 18, swing, Republican; District 19, solid Democrat; District 20, swing, Republican; District 21, solid Republican; District 22 and 23, solid Democrat; District 24, solid Republican; District 25 and 26, solid Republican; District 27, swing, Democrat; District 28, Republican; District 29, Democrat, solid; District 30, Republican, solid; District 31, Democrat, solid; District 32, Republican, solid; District 33, swing either way; District 34 solid Republican; District 35, swing either way; District 36, solid Republican.

Q. Thank you. A formidable performance which I think moots the inquiry as to the judgmental values concerning the Senate. I truly hesitate to tax your competency in asking for a duplicate performance with respect to the House. A. If you will give me the list I'll give it to you right here. If you have the list, the actual board plan on [78] the House.

Mr. Satter: Do you want a map?

By the Deponent:

A. A map would be easier. On the House 1 through 8 is solid Democrat; 9 is swing; 10, 11, Democrat; 12, swing Democrat—

Mr. Beizer: Excuse me. Just for purposes of form—

The Deponent: Towns do you want?

Mr. Beizer: You're using various terms and I suppose they are interchangeable, straight, strong, you said solid Democrat, 1 through 8—

Mr. McCarthy: Let's not interrupt the chain of thought.

Mr. Satter: We're satisfied with this. This is fine. Let him explain it.

Mr. McCarthy: Let him explain the terms after he has finished.

Mr. Satter: You'll have the record anyway.

By the Deponent:

A. 12 is swing Democrat; 13 is swing Republican; 14 is swing Republican; 15 is solid Democrat; 16, solid Republican; 17 is swing; 18 is solid Democrat; 19, Republican; 20, swing, probably swing Republican but swing; 21 is Republican; 22 is swing Republican; 23, 24, 25 and 26, solid Democrat, 27 is [79] Republican; 28, Republican; 29, swing Republican; 30, Republican; 31, Republican; 32, Democrat; 33, Democrat; 34, Democrat; 35, Republican; 36, Republican; 37, Republican; 38, Republican; 39, 40 Democrat; 41, swing Republican; 42, Republican; 43, Republican; 44, Democrat; 45, Democrat, 46, swing Republican; 47, Democrat; 48, Democrat; 49, Democrat; 50, Republican; 51, Democrat; 52, Republican; 53, swing Republican; 54, Democrat; 55, Republican; 56, Democrat; 57, Republican; 58, Democrat; 59, Democrat; 60, Democrat; 61, Republican; 62, Republican; 63, Republican, 64, swing Republican; 65, Democrat; 66, Republican; 67, Republican; 68, Republican; 69, Republican; 70, Democrat; 71, Demo-

crat; 72, 3, 4 and 5, Democrat; 76, Democrat; 77, 78, 79, 80, 81, Democrat; 82, Democrat; 83, Democrat; 84, Democrat 85, Democrat; 86, swing Republican; 87, Republican, 88, Republican; 89, Republican, 90, Republican; 91, Democrat; 92, 93, 94, 95, 96, 97, 98, 99, Democrat; 100, Republican, 101, Republican; 102, Republican; 103, Democrat; 104, Democrat; 105, Republican; 106, Republican; 107, Republican; 108, Republican; 109, 110, Democrat; 111, Republican; 112 Republican; 113, Republican; 114, Republican; 115, 116, Democrat; 117 swing Republican; 118, 119, Republican; 120, Republican; 121 swing Republican; 122, Republican; 123, Republican; 124 through 131, Democrat; 132, Republican; 133, Republican; 134, Republican; 135, Republican; 135, Republican; 137, 8, 9 and 140, Republican; 141, Republican; 142, Republican; [80] 143, Republican; 144 and 145 I believe are Republican; 146 and 7 are Democrat; 148 is Republican; 149, 150 and 151 are Republican.

That's why I didn't bother with some of the Districts that are close. Where I'm positive they are swing I said it and others that are close but I didn't bother to give them all.

Mr. Satter: That finishes mine.

Mr. McCarthy: Mr. Beizer wants some elucidation on judgmental—

The Deponent: I started eliminating the swings as I went along. It gets too confusing. When I actually do it I break it down into a guaranteed Democrat, guaranteed Republican, probable Democrat; probable Republican; swing Democrat and swing Republican and swing; seven categories if you're really going to break it down, but again it's all judgment.

By Mr. Beizer:

Q. But again, not to beat a dead horse, but there is obviously some judgmental factor involved? A. You'd better believe it.

Q. Is there some reference, though, when you get to the election results, some reference to the number of votes that

you anticipated that a Republican would carry the District by so as to make it clearly, in your words, Republican? [81] A. Well, what we did is, we had the election totals for the House, totals in the House for '68, '66 and '70, and you can estimate from there approximately what's going to happen. In some areas it's impossible because you couldn't break it down, break the town down, I mean. A perfect illustration, for example, would be the town of Mansfield. The town of Mansfield is one voting District and therefore like on the Senate cut when you're cutting Mansfield in half roughly how one half of the town is going to vote against the other half you're just guessing because there's no way you can tell. The same is true in some of the other areas. If you're cutting voting districts into pieces you're just guessing where people live.

Q. I understand that, but all that aside after the estimates are made how much plurality would there have to be before you would call it Republican? A. I don't do it by that. I do it by feel. I just feel that particular area on balance is going to go Republican or feel it's going to go Democrat. I'll give you an illustration on the Senate, for example. Take West Hartford, Jackson carried West Hartford forty-five hundred votes in 1968 so therefore in 1972 if Nixon runs exactly the same as he did in 1968 Jackson is going to win again because if he comes out of West Hartford with forty-five hundred voltes he'll pick up maybe a thousand in Avon and possibly a thousand or twelve [82]hundred in Simsbury and he's going to win by two thousand, twenty-three hundred votes, so is it a swing District? I say it is but it's probably going to go Democratic in 1972. In 1974 if Meskill runs as well in West Hartford in '74 as he did in 1970 and the vote totals were pretty much the same as then Jackson would lose because he only carried West Hartford by about nine hundred votes in 1970, and if you add in a thousand again in Avon and Simsbury he would lost by twelve hundred votes. That's my estimate. On the other hand it's pretty hard to say

what's going to happen in '72 and '74. I can only predicate it on the past experience, that's all.

Mr. Beizer: Thank you.

(Whereupon the witness was excused and the taking of the deposition was concluded at 1:57 P.M.)

Fact Stipulation in District Court

[Caption omitted]

Signed by ROBERT SATTER,
Attorney for Plaintiffs

THEODORE R. CUMMINGS, ET AL.
and by FRANCIS J. MCCARTHY,
Attorney for Intervening
Defendant J. BRIAN GAFFNEY

The parties hereto stipulate to the following:

1. Attached hereto is the "Plan of Districting For The General Assembly of the State of Connecticut dated September 30, 1971" (hereinafter referred to as the "Plan") as adopted by the majority of the Board acting pursuant to Article III, Sections 6 d and 6 3 of the Connecticut Constitution.

2. The population of the State of Connecticut, according to the 1970 census, is 3,032,217.

3. The Plan provides for a House of Representatives consisting of 151 members, each elected from a single assembly district.

4. With a population of 3,032,217 and 151 assembly districts, the perfect number of people in each assembly district should be 20,081.

5. The Plan provides for a Senate consisting of 36 senators, each elected from a single senatorial district.

6. With a population of 3,032,217 and 36 senatorial districts, the perfect number of people in each senatorial district should be 84,228.

7. The population of assembly districts created by the Plan deviates from the perfect average of 20,081 by a maximum of plus 3.93% or 789 people, and by a minimum of 3.90% or 784 people for a total deviation of 7.83%.

8. The population of 39 assembly districts under the Plan or 25.83% of the 151 assembly districts, deviates from the perfect average of 20,081 by plus or minus 3.0 to 3.93%. The population of 34 assembly districts, 22.52% of the total, deviates by plus or minus 2.0% to 2.99%; the population of 47 assembly districts, 31.12% of the total, deviates from 1.0% to 1.99%, and the population of the remaining 31 assembly districts of the total of 151 assembly districts, 20.53% of the total, deviates from 0.0% to 0.99%.

9. The average deviation from perfect equality for all the assembly districts under the Plan is 399 people or 1.9% and a mean deviation from perfect equality for all the assembly districts is 372 people or 1.8%.

10. The ratio of the largest assembly district to the smallest assembly district under the Plan is 1.082 to 1.

11. The population of senatorial districts created by the Plan deviates from the perfect average of 84,228 by a maximum of plus 0.88% or 745 people and by a minimum of minus 0.93% or 787 people for a total deviation of 1.81%. The average deviation from perfect equality for all the senatorial districts is 379 people or .45% and a mean deviation from perfect equality for all the senatorial districts is 392 people or .47%.

12. The ratio of the largest senatorial districts to the smallest senatorial district under the Plan is 1.018 to 1.

13. The smallest number of people needed to elect a majority in the House of Representatives (sometimes known as the electoral percentage) is 49.33%.

14. The smallest number of people needed to elect a majority in the Senate (the electoral percentage) is 52.54%.

15. The boundary lines of 47 towns are cut under the Plan so that one or more portions of each of these 47 towns are added to another town or a portion of another town to form an assembly district.

16. 29 of the aforesaid 47 towns have their boundary lines cut more than once resulting in more than one portion of the town being added to another town or a portion of another town to form an assembly district. If a segment of a town is defined as a portion of a town being used to form an assembly district not wholly within that town, the Plan creates 78 segments of towns in the formation of 151 assembly districts.

17. 55 of the 151 assembly districts involve the segmenting of towns in the formation of assembly districts and 96 assembly districts are wholly within town boundaries or are formed by the combination of entire towns.

18. 23 towns are segmented to create senatorial districts under the Plan.

19. The boundary lines of assembly districts do not mesh with the boundary lines of senatorial districts. 81 assembly districts under the Plan are not located entirely within a senatorial district and in 48 of these 81 assembly districts, a division between two senatorial districts occurs within a town.

20. The smallest units of census data available to the Reapportionment Board were block groups within

census tracts and enumeration districts. The average population of block groups is between 1200 and 1250 people. The average population of enumeration districts is between 750 and 800 people. There is total of approximately 2,750 block groups and enumeration districts; of these about 80% are block groups and about 20% are enumeration districts. Of these approximately 2,750 census areas the Board had to work with, the average area contained approximately 1100 people, and the mean area contained approximately 1000 people; 88% of this total of 2,750 areas exceeded 400 people in size.

21. Annexed hereto is a breakdown of the population of senatorial and assembly districts prepared by the United States Department of Commerce, Bureau of the Census, from the results of the census as of April 1, 1970.

Dated at Hartford, Connecticut this 6th day of March, 1972.

ROBERT SATTER, Attorney for the Plaintiffs Theodore R. Cummings, et al

DAVID B. BEIZER, Attorney for the Intervening Plaintiffs Nancy Aroni, et al

ROBERT K. KILLIAN, Attorney General, Attorney for the Defendants Thomas J. Miskill, Governor of the State of Connecticut, et al

FRANCIS J. MCCARTHY, Attorney for the Intervening Defendant J. Brian Gaffney

State Aid Grants (Pl. Ex. 2)

Following is a list of State Aid Grants to towns that are in effect block grants rather than a state-share matching grant. These grants are computed on statutory formulas:

Highway Town Aid $13 million 13a—175a,d

Funds are allocated to towns through a formula including local road milage and population

Education

Per-pupil grants $140.7 on 10-260—10-265

Payments are made based on $210 per pupil in average daily membership.

Disadvantaged Children $8.5 million 10-266a —10-266e

Funds are allocated to towns through a formula including the number of families with annual income less than $4000 and the number of children receiving Aid to Dependent Children.

Property Tax Relief Grants

Per-pupil grants $10 million S.A. 1, 1971 June Session

Payments are made based on $15 per pupil in average daily membership.

Population etc. $7.15 million 8-159(a)

Payments are made based on population, population density and public housing units.

Disadvantaged Children $4.5 million 10-266 (k)

Payments are made on disadvantaged children formula above.

Reimbursement of Local Property Tax on Manufacturers Inventory $7.2 million 12-24a

State pays a percentage of local taxes based on valuation of manufacturers inventories.

Local Property Tax Relief to the Elderly $4 million 12-129d

State pays each town the amount lost through property tax relief granted the elderly.

Reimbursement of Local Property tax on Mercantile Inventory $150,000 12-24c

State pays a percentage of local taxes based on valuation of mercantile inventories.

Reimbursements to Towns for Loss of Taxes on State Property $1.9 million 12-19a,b

Funds are prorated among towns with tax exempt state property based on the value of state property and total taxable property.

Following is a list of grants or payments to towns based on a reimbursement of town program expenses or statutory distribution of fees:

Dog License Fees
Corporation Filing Fees
Community Development Grants
Algae Control
Improvement of Town Health Services
Clinics for Mentally Retarded
Education
Aid to Industrial Arts
Special Education for Handicapped
Transportation
Adult Education
Children on State Property
Vocational Agriculture
Driver Education

Adult Basic Education
Health Education
Occupational Training
School Buildings
School Lunches
Tuition for Blind
Services for Blind
Public Libraries
Welfare Town Aid
Elderly Centers
Judicial Fines
Circuit Court Rentals
Elderly Housing
Urban Renewal
Open Space Grants
Clean Water Grants
Airport Facilities
Air Pollution Grants

FOLDOUT(S) IS/ARE TOO LARGE TO BE FILMED

FOLDOUT(S) IS/ARE TOO LARGE TO BE FILMED

Census Certification of Population of Senate and Assembly Districts in Apportionment Board Official Plan (Record on Appeal, Vol. III, Appendix to District Court Opinion)

U.S. DEPARTMENT OF COMMERCE
Social and Economic Statistics Administration
BUREAU OF THE CENSUS
Washington, D.C. 20233
OFFICE OF THE DIRECTOR

Population of Senate Districts Derived From the Board Plan of Districting of the General Assembly of the State of Connecticut Submitted to the Secretary of State of Connecticut on September 30, 1971

Senate District Number	Population of District According to Official United States Census Results as of April 1, 1970
1	84,273
2	84,973
3	84,459
4	83,580
5	84,547
6	83,441
7	84,708
8	84,749
9	83,787
10	84,828
11	84,779
12	83,458
13	83,612
14	83,822
15	83,838
16	84,631
17	84,299
18	83,996
19	84,622
20	83,903
21	83,581
22	84,209
23	84,484
24	84,247
25	84,543
26	84,376
27	83,990
28	83,678
29	84,541
30	84,878
31	83,801
32	84,166
33	83,999
34	84,864
35	83,992
36	84,563

U.S. DEPARTMENT OF COMMERCE
Social and Economic Statistics Administration
BUREAU OF THE CENSUS
Washington, D.C. 20233
OFFICE OF THE DIRECTOR

Population of Assembly Districts Derived From the Board Plan of Districting of the General Assembly of the State of Connecticut Submitted to the Secretary of State of Connecticut on September 30, 19[illegible]

Assembly District Number	Population of District According to Official United States Census Results as of April 1, 1970
1	19,337
2	19,840
3	19,814
4	19,521
5	19,455
6	19,402
7	20,469
8	20,179
9	20,674
10	20,101
11	20,571
12	20,067
13	19,302
14	20,415
15	20,753
16	19,448
17	19,842
18	20,418
19	20,841
20	20,767
21	20,395
22	19,934
23	19,472
24	20,216
25	20,016
26	20,536
27	19,686
28	19,504
29	19,297
30	19,464
31	20,651
32	20,455
33	20,870
34	20,843
35	20,818
36	19,592

[45?23]

sembly District Number	Population of District According to Official United States Census Results as of April 1, 1970
37	19,638
38	20,136
39	20,556
40	20,769
41	20,166
42	20,311
43	19,688
44	20,227
45	20,359
46	20,837
47	20,815
48	19,479
49	20,648
50	20,403
51	20,378
52	20,327
53	19,752
54	19,994
55	19,760
56	19,551
57	19,871
58	20,167
59	20,553
60	20,549
61	20,726
62	20,071
63	20,817
64	19,971
65	20,748
66	19,559
67	20,237
68	19,825
69	19,971
70	20,016
71	20,704
72	19,709
73	19,736
74	20,394
75	20,435
76	20,394
77	20,360
78	19,554
79	20,426
80	20,435
81	20,536

COPY PRINTED CLOSE TO EDGE

Assembly District Number	Population of District According to Official United States Census Results as of April 1, 1970
82	20,856
83	20,057
84	20,524
85	20,297
86	20,717
87	19,842
88	20,606
89	20,375
90	20,181
91	19,998
92	19,798
93	20,636
94	20,555
95	20,138
96	20,530
97	20,271
98	20,549
99	20,350
100	20,654
101	20,035
102	20,444
103	20,806
104	20,626
105	20,802
106	20,281
107	20,633
108	19,919
109	19,609
110	19,703
111	20,439
112	19,413
113	19,799
114	19,406
115	19,466
116	19,504
117	19,805
118	19,487
119	19,565
120	20,013
121	19,525
122	19,536
123	19,300
124	19,330
125	19,317
126	19,831
127	19,960
128	19,359

[AS7251]

Assembly District Number	Population of District According to Official United States Census Results as of April 1, 1970
129	19,375
130	19,586
131	19,784
132	19,671
133	19,725
134	19,886
135	20,283
136	19,433
137	19,463
138	20,063
139	19,570
140	20,017
141	20,411
142	20,094
143	19,439
144	19,725
145	20,030
146	20,005
147	20,217
148	20,315
149	20,135
150	19,812
151	19,808

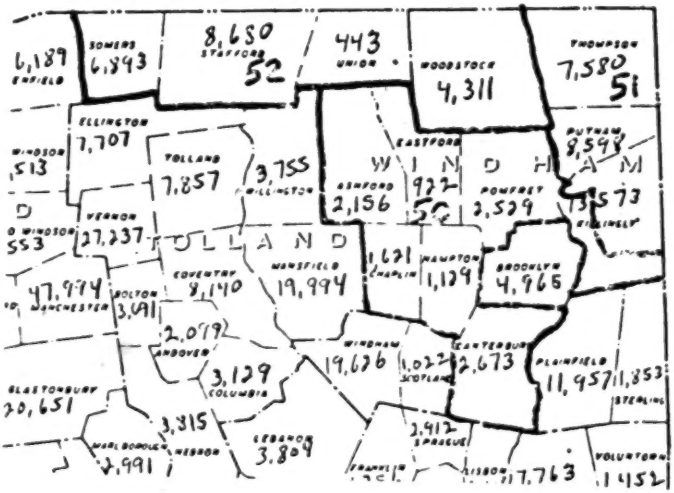
H Lane Farrance

for GEORGE H. BROWN
Director
Bureau of the Census

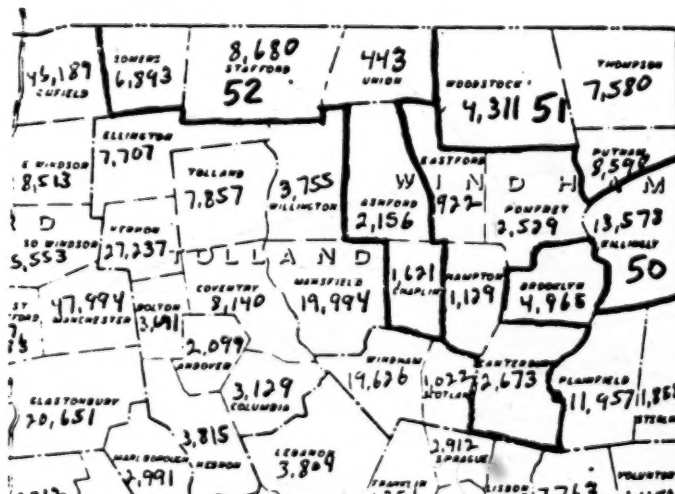
COPY PRINTED CLOSE TO EDGE

Killingly Area, Board House Plan and Alternate Plan (Pl. Exs. 5, 5A)

Board House Plan

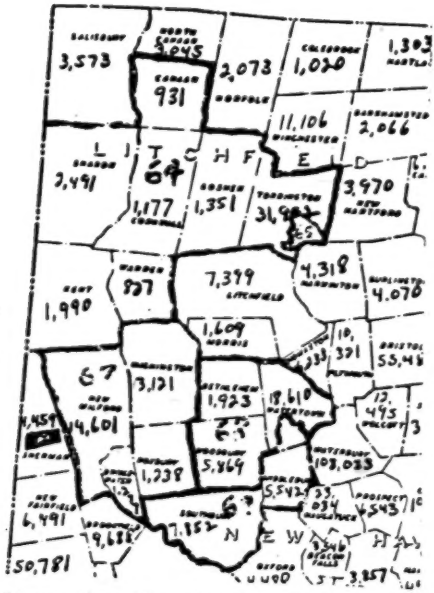


Alternative Districts Not Cutting Killingly

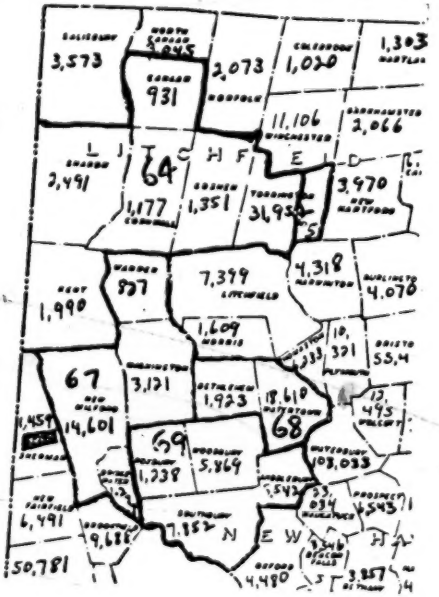


Watertown Area, Board House Plan and Alternate Plan
(Pl. Exs. 6, 6A)

Board Plan

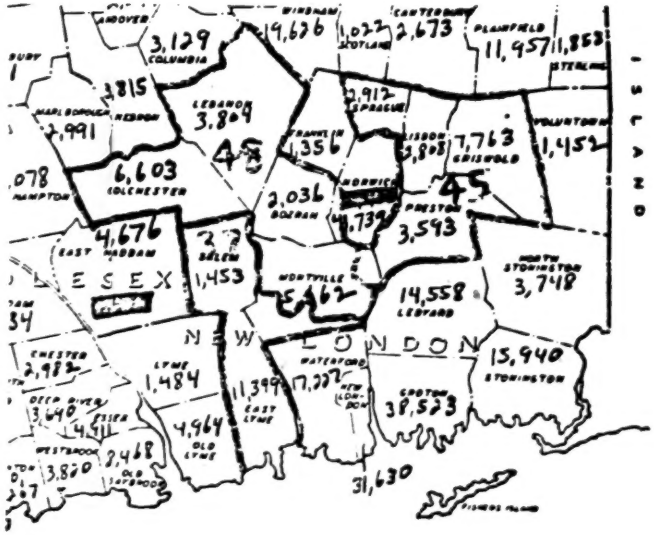


Alternative District Not Cutting Watertown

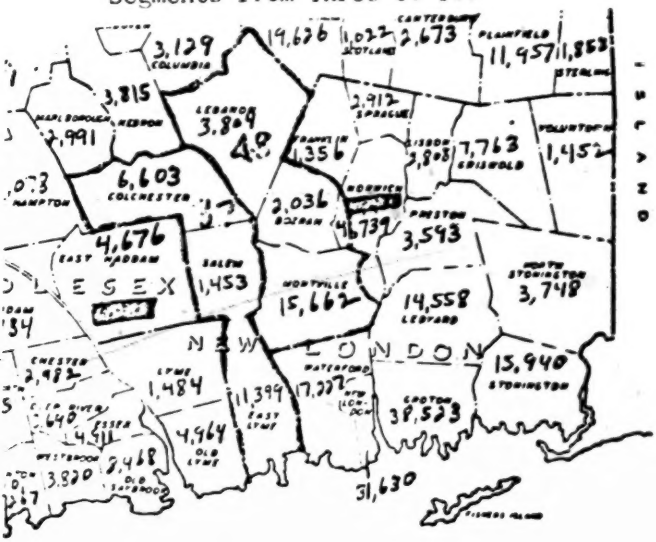


Montville Area, Board House Plan and Alternate Plan (Pl. Exs. 7, 7A)

Board Plan

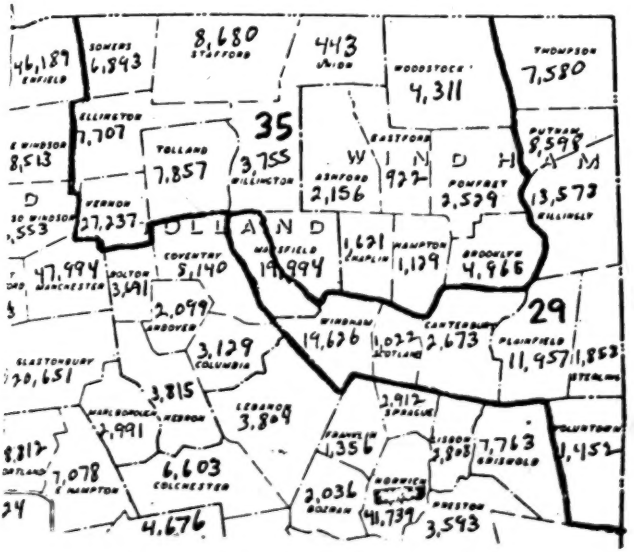


Alternative Districts Reducing Montville's Segments from Three to Two

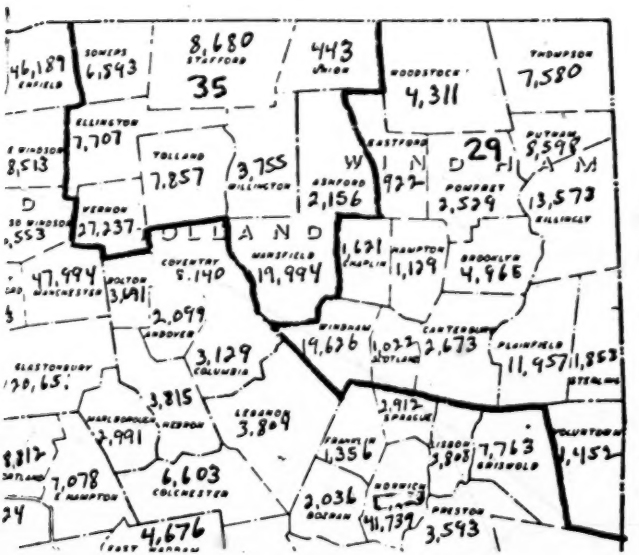


Senate Districts 29 and 35, Board Plan and Alternate Plan (Pl. Exs. 15, 15A)

Board Senate Plan

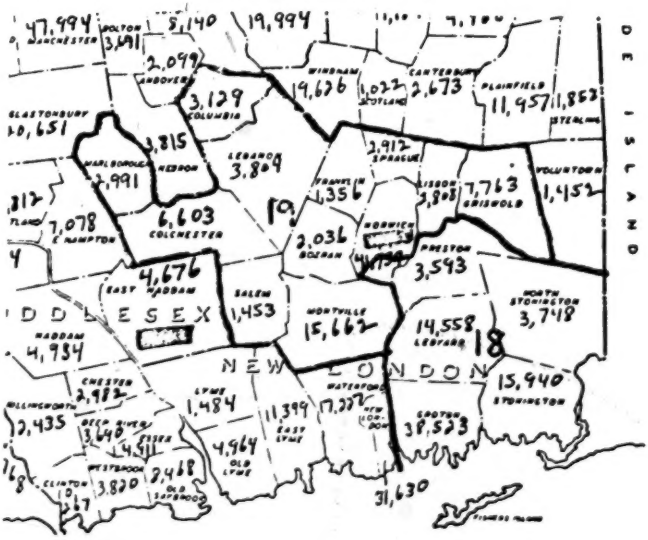


Alternative Shape for No. 29

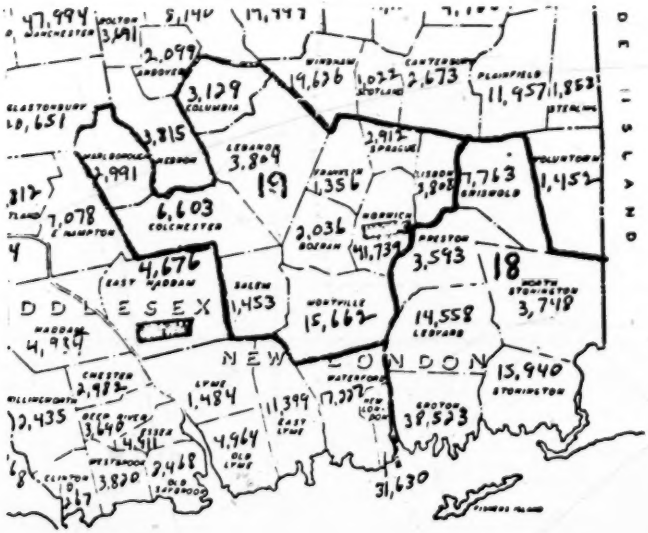


Senate Districts 18 and 19. Board Plan and Alternate Plan (Pl. Exs. 16, 16A)

Board Senate Plan



Alternative for No. 18 and 19



Senate Districts 9 and 31, Board Plan and Alternate Plan (Pl. Exs. 17, 17A)

Board Senate Plan

Alternative for No. 9 and No. 31

Outlines of Selected House and Senate Districts
(Pl. Ex. 19)

State of Connecticut

GENERAL ASSEMBLY

ROLLIN METTL
61 CARNALT
HAMDEN, CONN

STATE REPRESENTA
96TH ASSEMBLY DIS

February 11th, 1972

The attached exhibits are outline drawings of House and Senate Districts contained in the Board Plan of October, 1971 which demonstrate examples of non-contiguity and non-compactness.

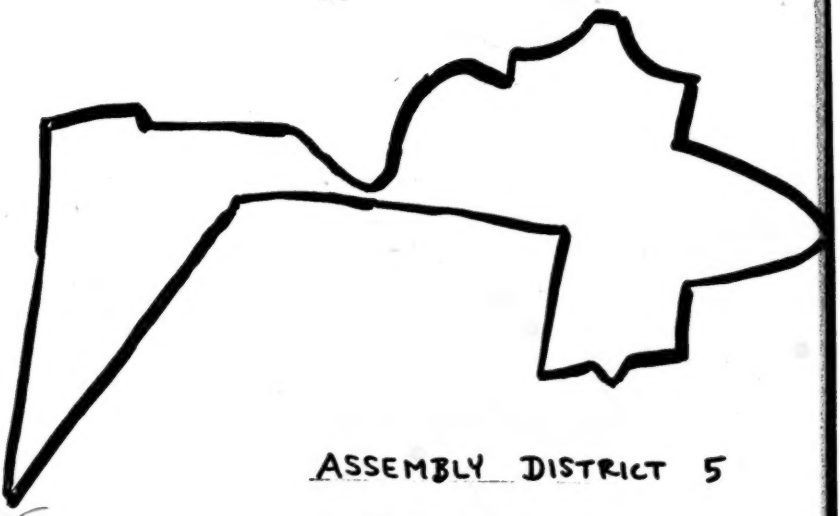
The outlines were drawn using U. S. Bureau of the Census or State of Connecticut maps; as a result, the scales vary. A scale is given on each individual map for reference and comparison.

Assembly District maps are identified with the prefix "H" followed by the district number; Senate district maps are identified with the prefix "S" followed by the district number.

The maps are in numerical order starting with "H."

The maps were prepared by the staff of the Joint Legislative Committee on Redistricting and Reapportionment.

Rep. Rollin Mettler, Jr. (96th)
Co-Chairman

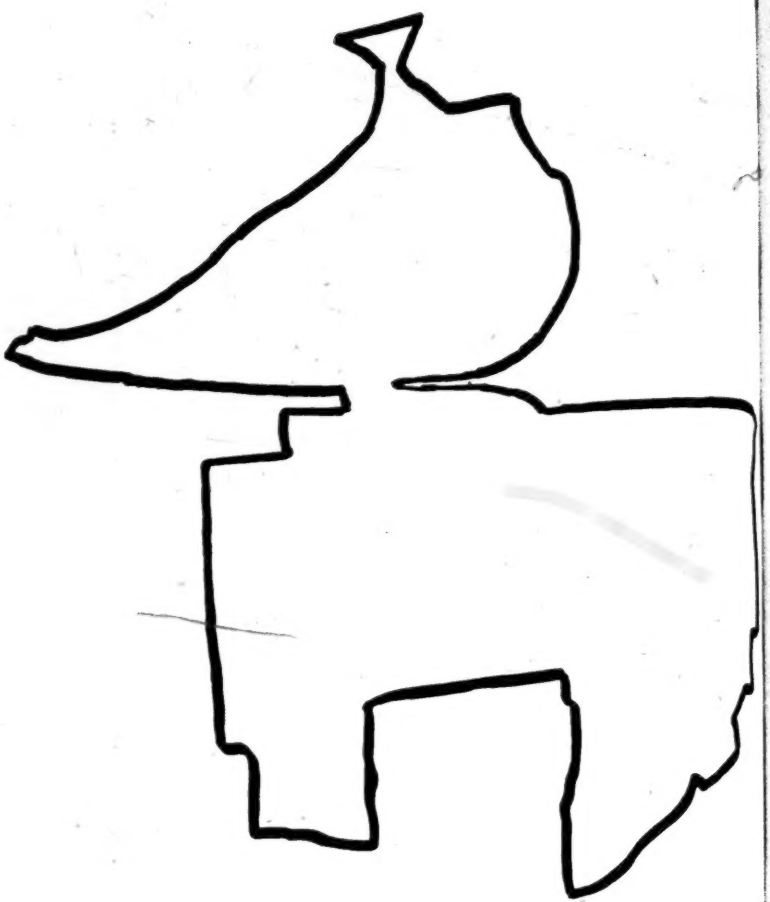


ASSEMBLY DISTRICT 5

BOARD PLAN

——— ½ MILE

H-5

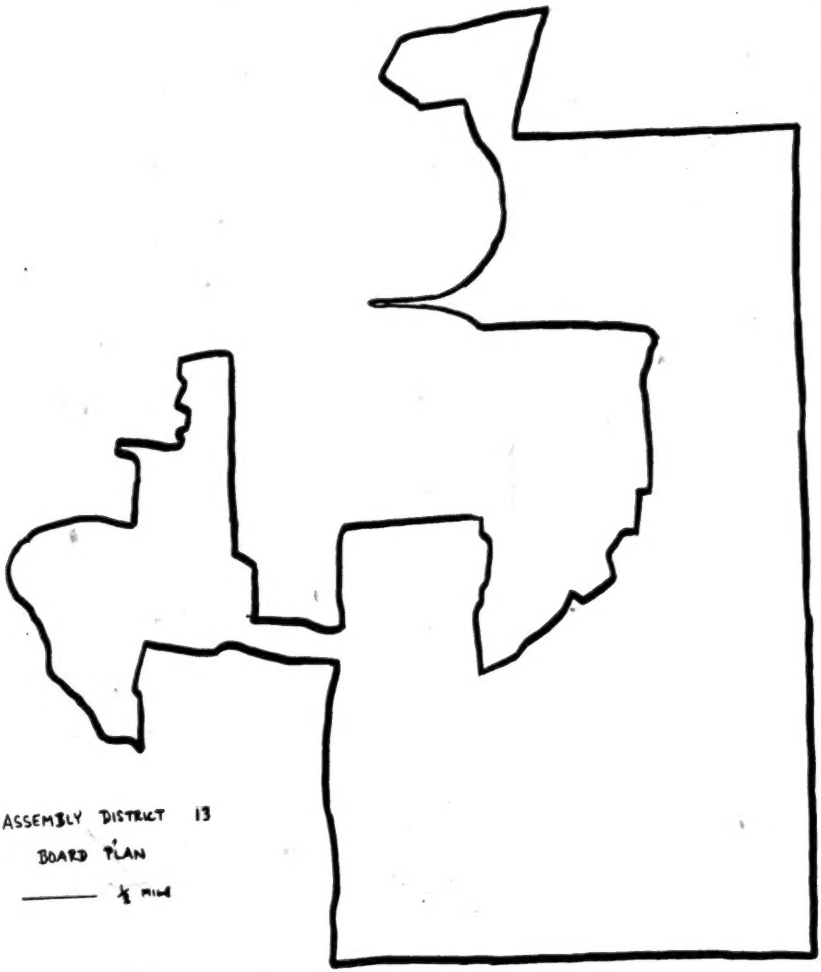


ASSEMBLY DISTRICT 12

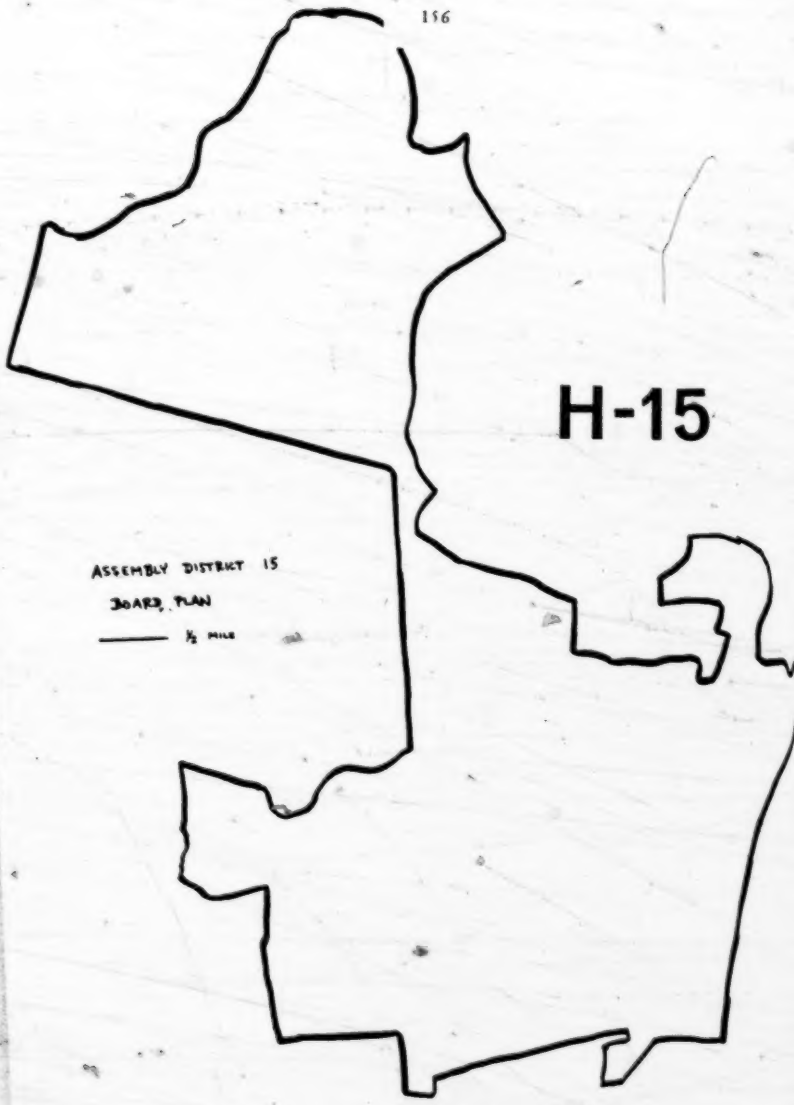
BOARD PLAN

½ MILE

H-1



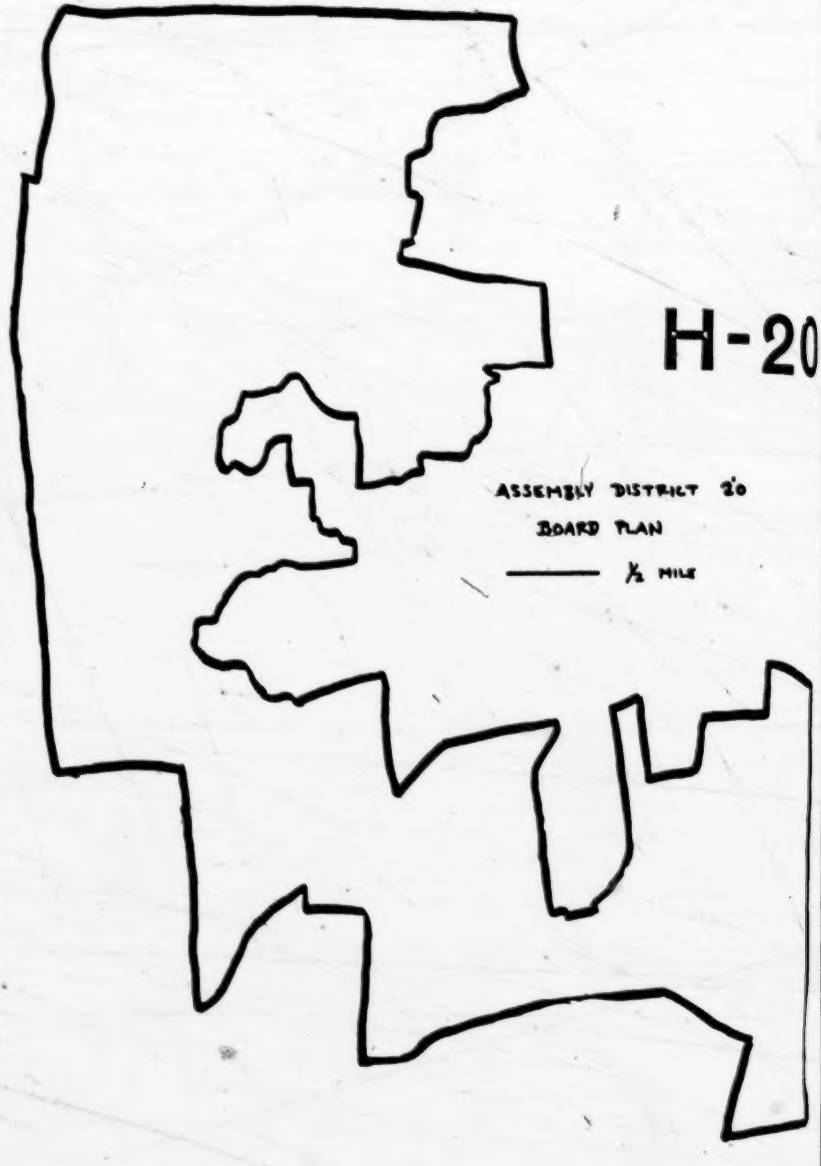
H-13


H-15
ASSEMBLY DISTRICT 15
BOARD PLAN
½ MILE

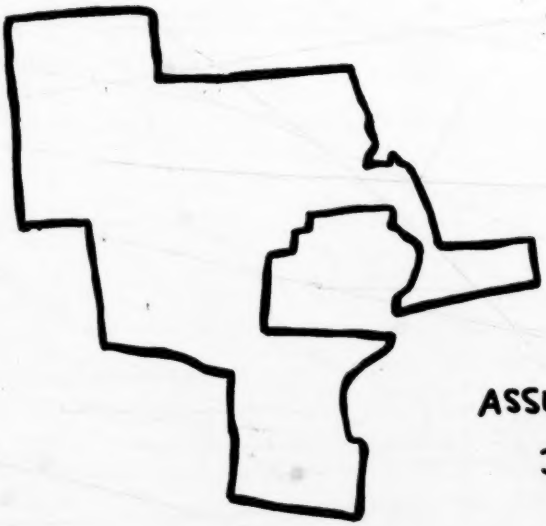
ASSEMBLY DISTRICT 19

BOARD PLAN

——— ½ MILE


H-20
ASSEMBLY DISTRICT 20
BOARD PLAN
½ MILE

ASSEMBLY DISTRICT 41
BOARD PLAN
1/2 mile
H-41



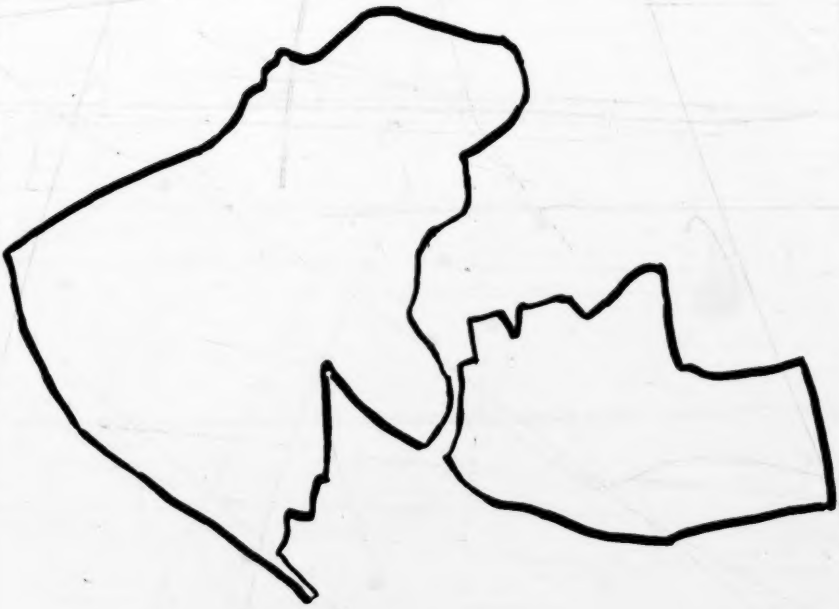
ASSEMBLY DISTRICT
BOARD PLAN

1 5 MILES

H-50

ASSEMBLY DISTRICT 85
BOARD PLAN
½ mile
H-85

ASSEMBLY DISTRICT 88
BOARD PLAN
½ MILE
H-88



ASSEMBLY DISTRICT 104

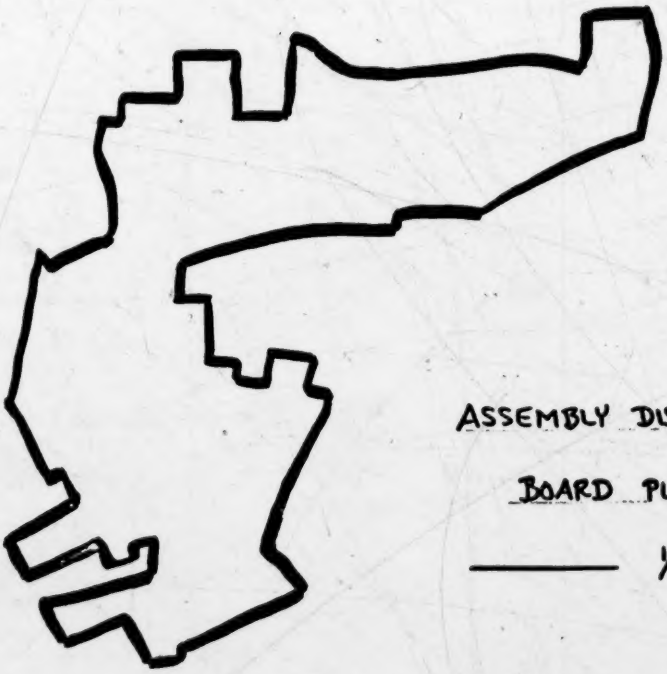
BOARD PLAN

½ MILE

H-104

ASSEMBLY DISTRICT 122
SOLID PLAN
H-122

H-125
ASSEMBLY DISTRICT 125
BOARD PLAN
½ MILE

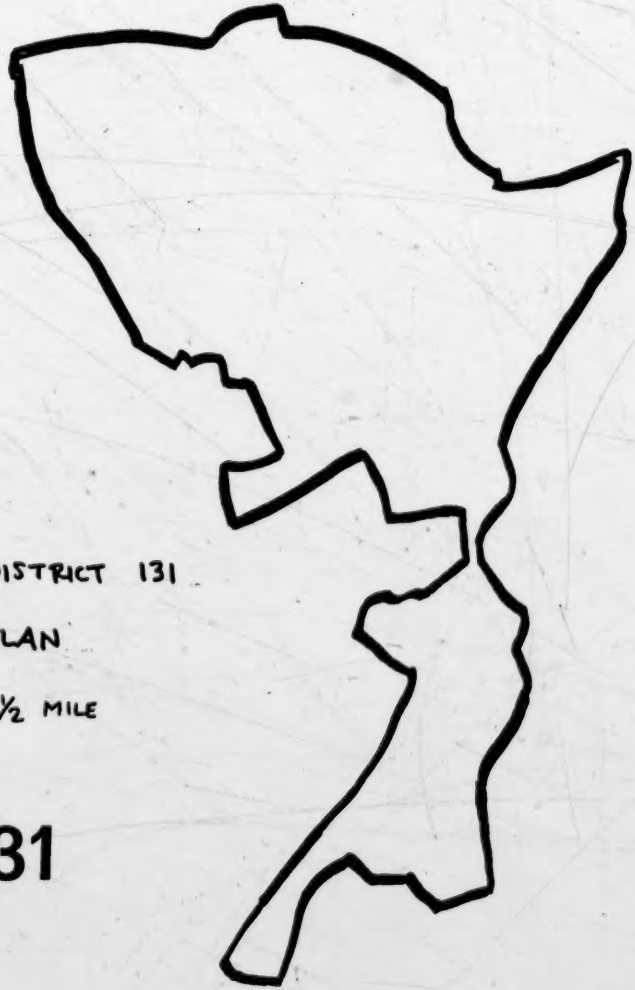


ASSEMBLY DISTRICT 12

BOARD PLAN

——— ½ MILE

H-127

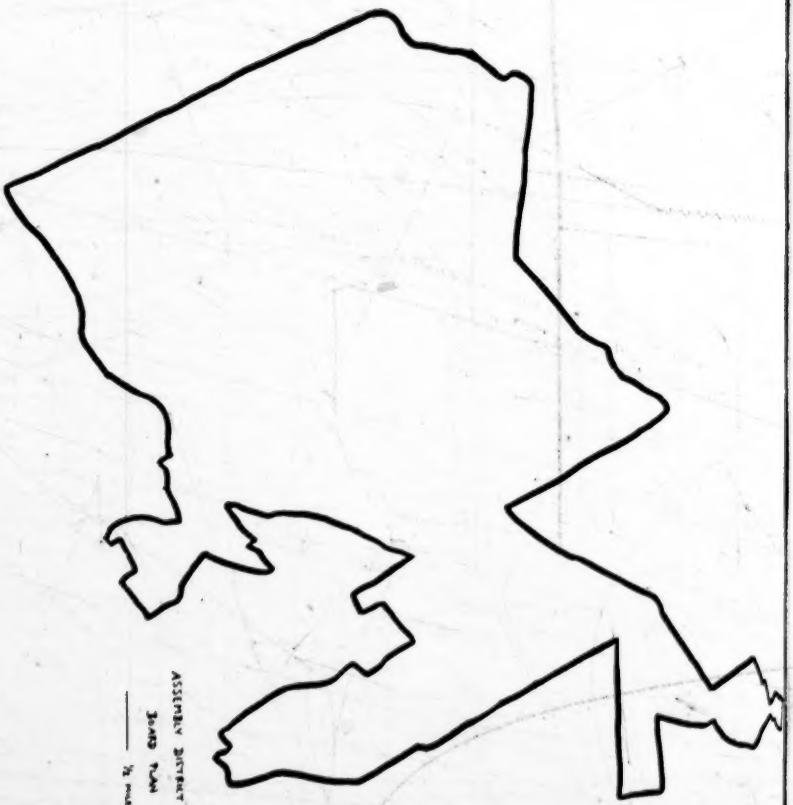


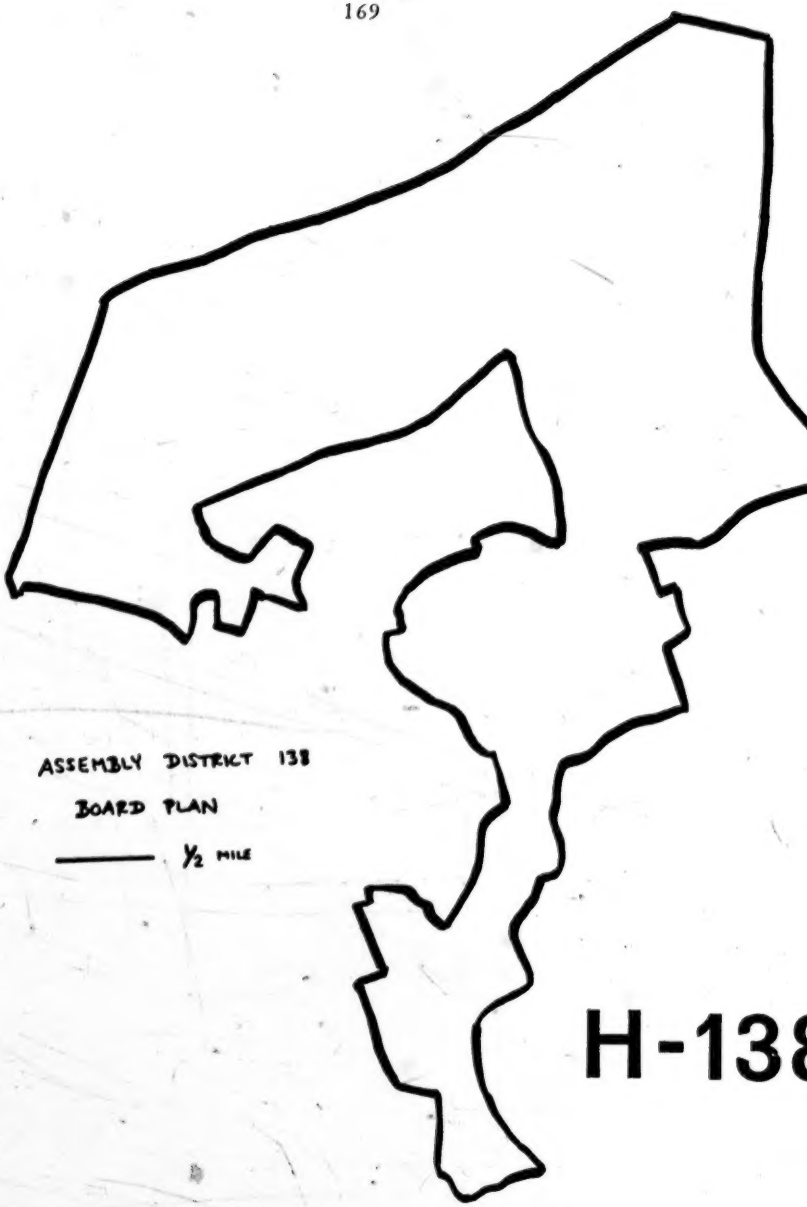
ASSEMBLY DISTRICT 131

BOARD PLAN

——— ½ MILE

H-131


ASSEMBLY DISTRICT 134
H-134


ASSEMBLY DISTRICT 138
BOARD PLAN
½ MILE
H-138

ASSEMBLY DISTRICT 140

BOARD PLAN

——— ½ MILE

H-140

4th SENATORIAL DISTRICT

BOARD PLAN

1 5 MILES

S-4

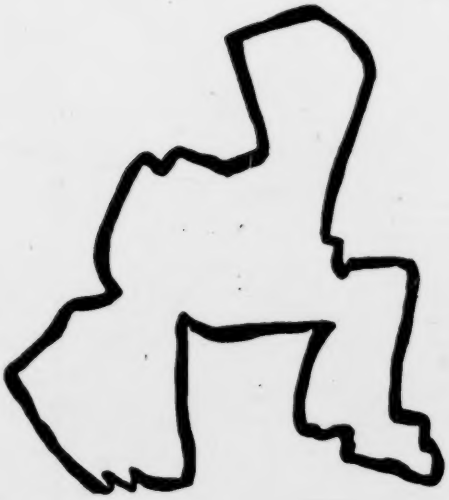
9th SENATORIAL DISTRICT

BOARD PLAN

1 5 MILES

S-

10th Senatorial District
Board Plan
½ mile
S-10



17th SENATORIAL DISTRICT

BOARD PLAN

1 0 5 MILES

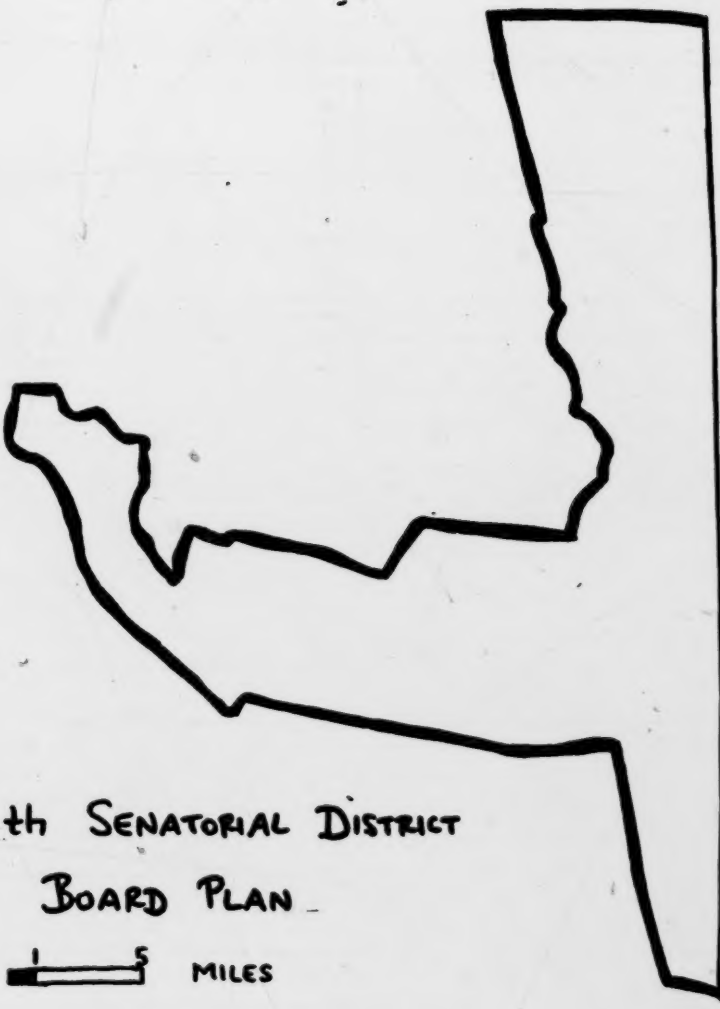
S-17

28 th SENATORIAL DISTRICT

BOARD PLAN

1 5 MILES

S-28



S-29

32nd SENATORIAL DISTRICT

BOARD PLAN

1 0 1 MILES

S-32

Plaintiffs' House Plan. Maximum Deviation. Minus 4.08%
(Pl. Ex. 20)

PLAINTIFFS' HOUSE PLAN

PLUS / MINUS 4% DEVIATION

EXHIBIT
CASE NO. TYPE
FULL EXHIBIT
MAR 8 197
FOR IDENTIFICATION
U. S. DISTRICT COURT
DISTRICT OF CONN

Range of Deviation:

High - Plus 4.02% or 808 people

Low - Minus 4.08% or 820 people

Total Deviation - 8.10%

Ratio of largest district to smallest district: 1.085

Range %	Number of Districts	% of
0 - 1 (inc.)	44	29.3
1 - 2	31	20.7
2 - 3	37	24.7
3 - 4	37	24.7
4 - 4.08	2	1.3

(Cumulative Frequency)

Less than or equal to	1	44	29.3
Less than or equal to	2	75	49.9
Less than or equal to	3	112	74.7
Less than or equal to	4	149	98.6

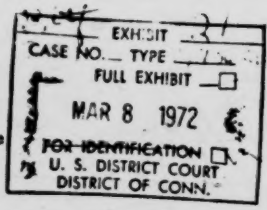
Number of towns cut: 36

Number of segments: 49

Plaintiffs' House Plan. Maximum Deviation. Minus 5.97%.
(Pl. Ex. 21)

PLAINTIFFS' HOUSE PLAN

PLUS / MINUS 6% DEVIATION



Range of Deviation:

High - Plus 5.88% or 1180 people

Low - Minus 5.97% or 1199 people

Total Deviation - 11.85%

Ratio of largest district to smallest district: 1.13

	Range %	Number of Districts	% of Total
	0 - 1	31	20.53%
	1 - 2	27	17.88%
	2 - 3	24	15.89%
	3 - 4	33	21.85%
	4 - 5	23	15.23%
	5 - 6	13	8.61%
(Cumulative Frequency)			
Less than or equal to	1	31	20.53%
Less than or equal to	2	58	38.41%
Less than or equal to	3	82	54.30%
Less than or equal to	4	115	76.16%
Less than or equal to	5	138	91.39%
Less than or equal to	6	151	100.00%

Number of towns cut: 31

Number of segments: 39

Plaintiffs' House Plan, Maximum Deviation, Plus 7.43%
(Pl. Ex. 22)

PLAINTIFFS' HOUSE PLAN

PLUS / MINUS 7.5% DEVIATION

Range of Deviation:

High - Plus 7.43% or 1492 people

Low - Minus 7.32% or 1470 people

Total Deviation - 14.75%

Ratio of largest district to smallest district: 1.16

Range %	Number of Districts	% of %
0 - 1 (inc.)	23	15.2
1 - 2	21	13.9
2 - 3	23	15.2
3 - 4	35	23.2
4 - 5	19	12.6
5 - 6	16	10.6
6 - 7	7	4.6
7 - 7.5	7	4.6

(Cumulative Frequency)			
Less than or equal to	1	23	15.2
Less than or equal to	2	44	29.1
Less than or equal to	3	67	44.4
Less than or equal to	4	102	67.5
Less than or equal to	5	121	80.1
Less than or equal to	6	137	90.7
Less than or equal to	7	144	95.3
Less than or equal to	7.43	151	100.0

Number of towns cut: 27

Number of segments: 35

Plaintiffs' House Plan, Maximum Deviation, Plus 1.60%
(Pl. Ex. 23)

PLAINTIFFS' HOUSE PLAN

PLUS / MINUS 1% DEVIATION

Range of Deviation:

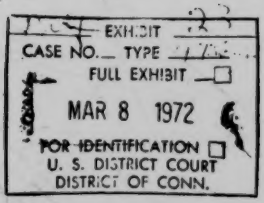
High - Plus 1.60% or 321 people

Low - Minus 1.01% or 203 people

Total Deviation - 2.61%

Ratio of largest district to smallest district: 1.026

Range %	Number of Districts	% of Total
0 - 0.50 (inc.)	58	38.41%
0.50 - 1	89	58.94%
1 - 1.6	4	2.65%



District Court Trial Transcript (Extract)

[Caption Omitted]

[3] Judge Smith: Cummings against Meskill.

Mr. Wade: That's ready, your Honor.

I believe that the first order of business is a motion to stay or dismiss that has been filed by Intervener Gaffney and I wonder if the Court wants to take up that matter at the outset?

Judge Smith: We won't hear the motion first. We will take the evidence and take into consideration both the motion and arguments on the merits at the same time.

Mr. McCarthy: May I, on behalf of the defendant intervener J. Brian Gaffney, respectfully enter a technical objection, your Honor.

I believe the motion on abstention appropriately ought to be heard initially as a matter of comity, form and judicial economy. Thank you.

Judge Smith: Your objection is noted.

Mr. Wade: My brother, Mr. Satter, has not arrived as yet, your Honor. I'm not really sure where he is.

The last I knew he was going to be here this morning. I anticipated the opening of the case that I'd be prepared to go forward on the motion to stay. And I must confess to the Court that Mr. Satter has the entire file to present the evidence [4] with him.

Judge Blumenfeld: That won't handicap you, will it, Mr. Wade?

Mr. Wade: It hasn't usually, your Honor. I've been able to move in a few cases without files before. But I do think he has with him all of the maps and documents that have to be entered.

I wonder if I might be able to telephone his office to see what the possible problem is?